

SWT Planning Committee

Thursday, 14th November, 2019,
1.00 pm



Somerset West
and Taunton

The John Meikle Room - The Deane
House

Members: Simon Coles (Chair), Roger Habgood (Vice-Chair),
Ian Aldridge, Sue Buller, Ed Firmin, Marcia Hill, Martin Hill,
Mark Lithgow, Chris Morgan, Simon Nicholls, Craig Palmer,
Ray Tully, Brenda Weston, Loretta Whetlor 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 24 October 2019.

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.

(Pages 5 - 12)

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| <p>5. 38/18/0465</p> <p>Replacement of 26 No. Woolaway homes and the erection of an additional 21 No. dwellings and a community facility building, Phase 1, on parcels of land at Bodmin Road, Dorchester Road, Wells Close, Cambridge Terrace and Rochester Road, Taunton</p> | <p>(Pages 13 - 36)</p> |
| <p>6. 38/18/0467</p> <p>Outline Planning Application with all matters reserved for the replacement and refurbishment of 186 Woolaway homes and the erection of additional dwellings to provide up to 230 No. dwellings on land located between Lyngford Lane and Dorchester Road, Taunton</p> | <p>(Pages 37 - 60)</p> |
| <p>7. 3/21/19/078</p> <p>Erection of a single storey extension to the rear elevation 60 Staunton Road, Alcombe, Minehead, TA24 6EA</p> | <p>(Pages 61 - 66)</p> |
| <p>8. 38/19/0315/LB</p> <p>Various external alterations to the front elevation of 2 Magdalene Lane, Taunton</p> | <p>(Pages 67 - 72)</p> |
| <p>9. 46/19/0025</p> <p>Replacement of single storey extension with two storey side extension at Perrymeade, West Buckland Road, West Buckland</p> | <p>(Pages 73 - 80)</p> |
| <p>10. Latest appeals and decisions received</p> | <p>(Pages 81 - 90)</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

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

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

SWT Planning Committee - 24 October 2019

Present: Councillors Roger Habgood, Ian Aldridge, Sue Buller, John Hassall (In place of Ed Firmin), Marcia Hill, Martin Hill, Mark Lithgow, Janet Lloyd (In place of Loretta Whetlor), Chris Morgan, Craig Palmer, Ray Tully, Brenda Weston and Gwil Wren

Officers: Rebecca Miller (Principle Planning Specialist) , Andrew Penna (Garden Town Coordinator), Martin Evans (Shape Legal Partnership), Tracey Meadows (Democracy and Governance)

(The meeting commenced at 1.15 pm)

72. **Chair of Planning Committee**

The Vice- Chair, Councillor Habgood took the Chair for this meeting.

73. **Apologies**

Apologies were received from Councillors Coles, Firmin, Nicholls and Whetlor

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

(Minutes of the meeting of the Planning Committee held on 3 October 2019 circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 3 October 2019 be confirmed as a correct record.

Proposed by Councillor Marcia Hill, seconded by Councillor Buller

The **Motion** was carried.

75. **Declarations of Interest or Lobbying**

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

Name	Item No.	Description of Interest	Reason	Action Taken
Cllr S Buller	5 & 6	Various correspondence received	Personal	Spoke and Voted

Cllr R Habgood	5	Various correspondence received		
Cllr Mrs Hill	5	Various correspondence received. Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	5	Various correspondence received Wellington	Personal	Spoke and Voted
Cllr J Lloyd	5	Undertook a site visit. Wellington & Sampford Arundel	Personal	Spoke and Voted
Cllr C Morgan	5	Various correspondence received. Stogursey	Personal	Spoke and Voted
Cllr C Palmer	5	Various correspondence received. Member of the public in the chamber was known to Cllr Palmer. Minehead	Personal	Spoke and Voted
Cllr R Tully	5	Various correspondence received. West Monkton	Personal	Spoke and Voted
Cllr B Weston	5	Various correspondence received. Taunton Charter Trustee	Personal	Spoke and Voted
Cllr G Wren	5	Various correspondence received.		

76. **Public Participation**

Application No.	Name	Position	Stance
3/37/17/019	Mr G Newland Mrs R Woods		Objecting Objecting

	A Bowsher R Farrow J Abbot-Garner Rep for Cllr Whetlor, L Peeks Mrs L Peeks Mr P Murphy Mr M Kendrick	Williton PC Watchet PC Grassroots Agent	Objecting Objecting Objecting Objecting Objecting Objecting Objecting Infavour
10/19/0023	Mr P Radice E Carroll G Chaplin J Banks	Local Resident Local Resident Local Resident Agent	Objecting Objecting Objecting Infavour

77. **Public question time**

Public question time; Comments were received from Charlie Kay, Louise Thomas, Derek Tressmer and Karen Churchill regarding the proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage.

78. **3/37/17/019**

3/37/17/019 Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 139 dwellings and associated works on Land south of Doniford Road and Normandy Avenue, Watchet, Taunton

Comments received from members of the public included;

- Flooding issues;
- New homes should be in reach of local amenities;
- Concerns with access to the site from Doniford Road, Williton;
- Concerns with noise and disturbance whilst this estate was being built;
- No bus routes to the estate;
- Public access through Cherry Tree Way was a permissive right given by the residents of Cherry Tree Way and could be taken away at any time;
- No appointments available for the doctors surgery;
- Concerns with the private roads upkeep;
- The development should not be developed until the Liddy Moor Farm site was developed;
- Development did not comply with Policies SC1, SC5, OC1, CF5, CF2;
- Concerns that there were no street lights or footpath to the site;
- Public Right of Way to the site needed improving;
- Watchet was already saturated by proposed housing developments;
- There was no infrastructure in Watchet to sustain this development;
- Increased traffic;

- Concerns with the loss of the road side hedge changing the rural character;
- This development would have an adverse impact on the landscape;
- Concerns with lack of consultation on the application;
- Currently there was a green open space between the edge of Watchet and the outline of Normandy drive, this development would close this;
- The AONB need to be consulted on this application;
- The site had been promoted for development in a transparent and correct manner;
- Public consultation was sought with various consultees;
- Pre application advice was sought for this development;
- 5 years was not considered to be a speculative development for this site;
- The development would improve flooding on this site;
- No technical objections had been received for this scheme;
- This development would alleviate the housing crisis in West Somerset;

At this point in the meeting the Chair called for a 5 minute break.

Comments from members included;

- Concerns with how the cyclist and walkers would get to Williton;
- Wildlife would be squeezed into a smaller area;
- The traffic impact was not seen on the site visit;
- There was no easy way to get into Watchet from this site;
- Concerns with Flooding issues on the site;
- Concerns that the site would be visible from the AONB;
- Concerns that the site was premature;
- Ecological mitigation needs to be taken into account;
- Development not compliant with the purposes of sustainability;
- Lack of bus services to the area;
- The site was not appropriate until Liddymoor Farm had been developed;
- Concerns with the access through Cherry Tree Way;
- The site did not comply with TR2 regarding reducing reliance on private cars;
- Further commitment to social housing was needed;
- Concerns with lack of employment in the area;

Councillor Aldridge proposed and Councillor Morgan seconded a motion for the application to be **REFUSED** the motion failed.

Councillor Habgood proposed and Councillor Tully seconded a motion for the application to be **APPROVED** with the amended recommendation as on the update sheet;

It was recommended that delegated Authority be granted to the Principal Planning Specialist to grant planning permission subject to the completion of an appropriate legal agreement to secure the following:

- An appropriate mix and tenure of affordable housing at a rate of 35% of the total number of dwelling provided;
- Provision and maintenance of on-site play and open space (including LEAP);
- Provision of lands for ecological mitigation within the applications ownership;
- Travel Plan, including monitoring costs, and measures set out in the submitted NMU;
- Education contributions of £221,962, for early years and £546,368 for Knights Templar 1st School;

The **Motion** was carried with one abstention

At this point in the meeting the Chair called for a 5 minute break.

79. **10/19/0023**

10/19/0023 Change of use of 3. No agricultural buildings to 1 No. 3 bedroom dwelling (Class C3) and associated works at Pay Farm, Willand Road, Churchstanton

Comments by member of the public included;

- Concerns that this was a 70% rebuild;
- Proposal did not satisfy DM2;
- Site lied within the AONB;
- The buildings were of a poor quality and not suitable for residential use;
- There were no exceptional circumstances to justify conversion;
- Concerns that it was 1.75 miles to the nearest amenities;
- This was an unwarranted development in the Countryside;
- No mains water or sewerage on site;
- Increased traffic flow;
- Track would not hold up to construction traffic;
- Unsuitable site for development;
- The buildings had local character;
- Significant building work was not needed to restore these barns;

Comments by Members included;

- Concerns regarding the proximity of the master bedroom and en-suite to the main building which was across the yard;
- Concerns that this development was in the middle of the AONB;
- Concerns with the impact and size of the development;
- Concerns with the access road;
- Concerns with drainage on the site;
- Unsustainable location for development;

Councillor Wren proposed and Councillor Lloyd seconded a motion to **REFUSE** the application.

The **Motion** was carried

Reason

The proposed development is considered to be in an unsustainable location and by virtue of the master bedroom and en-suite being separate from the main dwelling, is considered to be poor design and would detract from the character and appearance of this part of the AONB. The Local Planning Authority is also not satisfied that the proposed development will not result in substantial rebuilding and alterations to the existing barns. The development is therefore considered to be contrary to Core Strategy Policies SP1; SD1; DM1; DM2; DM4 and CP8 and Policies SB1 and D7 of the Sites Allocations and Development Management Plan.

80. **38/19/0315/LB**

38/19/0315/LB

Various external alterations to the front elevation of 2 Magdalene Lane, Taunton

Item was withdrawn

81. **Access to information- Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the item numbered 8 on the Agenda as the item contained exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Local Government Act, 1972, and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

82. **Tonedale Mill S 215 Notice**

Tonedale Mill, Tonedale, Wellington, S215 Notice

RECOMMENDED to the committee to approve the recommendation contained as written within the report.

The **Motion** was carried

83. **Appeals and Decisions received**

Noted that there were two appeals received.

(The Meeting ended at 5.30 pm)

38/18/0465

ADDENDUM TO REPORT BY GARETH CLIFFORD

SOMERSET WEST AND TAUNTON COUNCIL

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

Location: PARCELS OF LAND ON BODMIN ROAD, DORCHESTER ROAD,
WELLS CLOSE, CAMBRIDGE TERRACE AND ROCHESTER ROAD,
TAUNTON

Grid Reference: 323307.126587

Full Planning Permission

Proposal

Members may recall the application was considered at the Planning Committee meeting on 27 March 2019, where it was resolved to grant conditional approval subject to a Section 106 agreement to secure the play provision contribution and maintenance of the off site parking and street trees and clarification of the stopping up process prior to determination, the application to be delegated to Officers to determine.

The proposal is Phase 1 of a redevelopment of the Woolaway homes in this area of north Taunton to provide improved accommodation for the local residents. The proposal seeks to demolish the existing 26 dwellings which have deteriorating concrete frames and replace them with 47 new units together with a community building. The accommodation will be affordable and be a mix of 1, 2, 3 and 4 bedroomed properties with 21 flats, 6 bungalows, 5 x 3 bed chalets and 15 houses, including 5 disabled adapted units.

The S106 agreement has yet to be signed and, therefore the decision has not been issued.

The client is keen to commence the development as soon as possible and have requested changes to condition 09, which relates to a requirement for the submission of a strategy for the protection of wildlife prior to commencement of development. The request has been made to avoid a pre-commencement condition, which would delay the commencement of works.

Site Description

The site lies to the north of the existing shops at Priorswood and includes 5 separate sites, one north of Ludlow Avenue, one south of Cambridge Terrace, one north of Bodmin Road, one west of Dorchester Road and Wells Close and the site on the

corner of Rochester Road and Dorchester Road. All are occupied by two storey Woolaway type houses. Lyngford Lane lies to the east and the local shops to the south.

Relevant Planning History

None.

Consultation Responses

Following consultation of the proposed change to condition 09, the Ecologist has been reconsulted and the following response has been received:

"I understand that the above applications are due to go back to committee on the 14th November. Please could you replace the condition below for both applications as follows?

The application site lies within Band B of the Bat Consultation Zone for the Hestercombe House SAC which is designated for its lesser horseshoe bat feature. However, the proposed development is highly unlikely to have an effect on lesser horseshoe bats and therefore I do not propose to carry out a Habitats Regulations Assessment for the application.

An Ecological Impact Assessment of the application sites was carried out by Encompass Ecology in December 2018.

Bird surveys found that starlings and house sparrows, both listed on S41 of the Natural Environment and Rural Communities Act 2006 as a priority species for which the local planning authority has to have regard for the conservation of in carrying out its duties, and house martins were present. Swifts were also considered to be nesting on the site along Hereford Drive and potentially present into September. The following condition will therefore be required:

- No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place between 1st March and 15th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist.

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

The following is also required in order that nesting provision is reinstated and enhanced within the development. In addition provision will be required to replace bat roost sites (see below). The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. [Swallows

are loyal to nesting sites and have been in decline since the 1970's across Europe. I consider the replacement provision needs to be installed to ensure no net loss of biodiversity in accordance with Government policy.] [A bee brick would contribute to the Somerset Pollinator Action Plan. Research shows that bees will live in the bricks and there is no risk associated with their installation as solitary bees do not live in hives or have a queen, and do not sting. The bricks have a solid back with the cavities placed on the outside wall.] I recommend that the following is conditioned.

- The following will be integrated into dwellings or mounted up suitable trees / buildings unless otherwise agreed in writing by the Local Planning Authority:
 - a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevations of 28 dwellings
 - b) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level and away from windows on the north facing elevation of 1 dwelling
 - c) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves and away from windows of the north elevation of 10 dwellings
 - d) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 20 dwellings
 - e) Ten Schwegler 3S Starling Nest Boxes will be mounted on the northerly facing aspect of trees and maintained thereafter
 - f) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of each dwelling
 - g) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

Plans showing the locations of installed features will be submitted to and agreed in writing by the local planning authority prior to the completion of construction works.

Reason : In the interests of the 'Favourable Conservation Status' of populations of European protected species, priority bird species and in accordance with Government policy for the maintenance and enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

During the surveys a number of garden areas, mainly associated with derelict properties, were identified as potential areas in which further reptile surveys were required. It is likely that slow-worms are present in these areas. Compass Ecology suggest that a mitigation strategy be agreed for the site prior to commencement. It was also considered that hedgehogs, a S41 priority species, may also be present in gardens. This needs to be conditioned as follows:

- Prior to the removal of vegetation and or groundworks a ‘Reptile and Hedgehog Mitigation Strategy’ will be submitted to and approved in writing by the Local Planning Authority. The strategy shall specify a suitable translocation site if needed. The works shall then be carried out in strict accordance with the approved strategy unless modified with the written agreement of the Local Planning Authority.

Reason: In the interests of UK protected and priority species and in accordance with policy CP8 of the Taunton Deane Core Strategy

Figure 6 of the Compass Ecology report identifies locations of known bat roosts that would be affected by the proposed development. The roosts in these houses are likely to be damaged or destroyed and or bats harmed or disturbed and would require a European protected species licence in place before any works begin on them. The following is required to be conditioned in order that Somerset West and Taunton Council fulfils its legal duty of ‘strict protection’ of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998).

- Works to 2/4 and 14/16 Dorchester Road, 9 to 15 Dover Road, 2/4 Southampton Row, 10/12 Hereford Drive, and 1/3 Oxford Place shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified dwellings will require a licence.

Reason: In the interest of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

The following condition is also required again to ensure that the LPA fulfils its legal duty of ‘strict protection’ of European protected species:

- Works to dwellings will not commence until:
 - a) Construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the toolbox talk
 - b) Three 2FN Schwegler bat box to provide suitable alternative roosting locations, to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a

minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. Photographs showing their installation will be submitted to the Local Planning Authority

- c) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist. Any further findings shall be reported to the Local Planning Authority

Reason: In the interest of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

Badgers and hedgehogs are potentially present on the application site. Compass Ecology recommend that an angled plank be deployed as an escape from deep trenches. However, in reality this cannot be reasonably enforced through a condition. The following informative should be added to the planning permission.

- The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Determining issues and considerations

The ecological assessment submitted with the original application did not identify any adverse impacts on protected species and the site is of limited ecological interest. An enhancement of habitats across the sites is possible.

Somerset Wildlife Trust and Taunton Deane Swifts Group made representations regarding the wildlife implications of the development. It is considered that the changing to the wording and timing of the condition would satisfactorily address the issues they raised.

The proposed changes to condition 09 would ensure the protection of wildlife in accordance with EU legislation, the NPPF and adopted CP8, whilst ensuring the development can commence in a timely manner.

The application is recommended for approval subject to the above changes to condition 09, with all other conditions being retained and subject to a legal agreement.

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

Location: PARCELS OF LAND ON BODMIN ROAD, DORCHESTER ROAD,
WELLS CLOSE, CAMBRIDGE TERRACE AND ROCHESTER ROAD,
TAUNTON

Grid Reference: 323307.126587

Full Planning Permission

Recommendation

Recommended decision: Awaiting S106 Completion DO NOT ISSUE subject to a Section 106 to secure the play provision contribution and maintenance of the off site parking and street trees and clarification of the stopping up process prior to determination, the application be delegated to Officers to determine.

Recommended Conditions (if applicable)

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

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

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

(A1) DrNo 50089-0050 Rev C Phase 1 Drainage Strategy Sheet 1
(A1) DrNo 50089-0051 Rev C Phase 1 Drainage Strategy Sheet 2
(A1) DrNo 50089-0052 Rev C Phase 1 Drainage Strategy Sheet 3
(A1) DrNo 50089-0053 Rev C Phase 1 Drainage Strategy Sheet 4

(A1) DrNo 1939 007A Phase 1 1of 2
(A1) DrNo 1939 008A Phase 1 2of 2
(A3) DrNo L007 Rev B Phase 1 Location Plan
(A1) DrNo L008 Rev C Existing Phase 1 Plan
(A1) DrNo L012 Rev D Proposed Phase 1 Plan
(A1) DrNo L015 Rev C Proposed Phase 1 Plan
(A1) DrNo L015 Rev B Boundary Treatments Key & Typical Elevations Proposed Phase 1 Plan
(A3) DrNo L016 Rev C Phase 1 Location Plan (Proposed)

(A0) DrNo L017 Rev B Illustrative Phase 1 Plan

(A3) DrNo 1010 Rev L 2 Bed 4 Person Narrow Fronted House Plans
(A3) DrNo 1011 Rev L 3 Bed 5 Person Narrow Fronted House Plans
(A3) DrNo 1012 Rev K 3 Bed 5 Person Wide Fronted House Plans
(A3) DrNo 1015 Rev K 4 Bed 6 Person Wide House Plans
(A3) DrNo 1016 Rev L 3 Bed 6 Person Chalet Plans
(A3) DrNo 1017 Rev J 3 Bed 6 Person Chalet Elevations
(A3) DrNo 1018 Rev J 1 Bed 2 Person FOG Plans
(A3) DrNo 1019 Rev K 1 Bed 2 Person Bungalow Plans
(A3) DrNo 1020 Rev K 2 Bed 3 Person FOG Plans
(A3) DrNo 1021 Rev J 2 Bed 3 Person FOG Elevations
(A3) DrNo 1022 Rev J Flats Wide Fronted Plans
(A3) DrNo 1023 Rev H Flats Wide Fronted Elevations
(A3) DrNo 1026 Rev J 1 Bed 2 Person Flat Plans
(A3) DrNo 1027 Rev I 2 Bed 3 Person Flat Elevations _ N&S
(A3) DrNo 1028 Rev I 2 Bed 3 Person Flat Elevations _ E&W
(A3) DrNo 1030 Rev K 4 Bed 6 Person Narrow Fronted House Plans
(A1) DrNo 1032 Rev I Flats & Community Centre (2B3P & 1B2P Ground & First Floors)
(A1) DrNo 1033 Rev I Flats & Community Centre (2B3P & 1B2P Second Floors)
(A1) DrNo 1034 Rev H Flats & Community Centre Elevations
(A3) DrNo 1035 Rev D 2 Bed 3 Person Bungalow
(A3) DrNo 1037 Rev D 2 Bed 4 Person Bungalow
(A3) DrNo 1039 Rev G 4B7P Wheelchair
(A3) DrNo 1041 Rev B 4B7P Wheelchair Side Elevations
(A3) DrNo 1042 Rev A 3 Bed 6 Person Chalet Elevation
(A3) DrNo 1043 Rev A 3 Bed 6 Person Chalet Elevation
(A3) DrNo 1045 Rev D Street Elevation Phase 1
(A1) DrNo 1046 Rev D Street Elevations Phase 1
(A3) DrNo 1047 Rev D Street Elevations Phase 1
(A3) DrNo 1048 Rev D Street Elevations Phase 1
(A3) DrNo 1050 Rev B Dorchester Flats

(A1) DrNo 1052 Rev C Street Elevations Phase 1

(A1) DrNo 1939 001 Rev A Landscape MasterPlan
(A1) DrNo 1939 002 Rev A Landscape Masterplan
(A1) DrNo 1939 003 Rev A Landscape Masterplan Phase 1
(A1) DrNo 1939 007 Rev A Phase 1
(A1) DrNo 1939 008 Rev A Phase 1
(A1) DrNo 50089-0007 Rev A Highways Works Vehicular & Pedestrian Visibility Splays
(A1) DrNo 50089-0031 Rev C Phase 1I Highways Works General Arrangement
(A1) DrNo 50089-0032 Rev C Phase 1II Highway Works General Arrangement
(A1) DrNo 50089-0033 Rev C Phase 1III Highway Works General Arrangement
(A1) DrNo 50089-0034 Rev C Phase 1 IV Highway Works General Arrangement

(A1) DrNo 50089-0035 Rev D Phase 1V Highway Works General Arrangement
(A1) DrNo 50089-0050 Rev C Phase 1 Drainage Strategy Sheet 1
(A1) DrNo 50089-0051 Rev C Phase 1 Drainage Strategy Sheet 2
(A1) DrNo 50089-0052 Rev C Phase 1 Drainage Strategy Sheet 3
(A1) DrNo 50089-053 Phase 1 Drainage Strategy Sheet 4
(A1) DrNo L012 Rev D Proposed Phase 1 Plan
(A1) DrNo L015 ~Rev B Proposed Phase 1 Plan
(A3) DrNo L016 Rev C Phase 1 Location Plan (Proposed)
(AO) DrNo 17025 Lo17 Rev B Illustrative Phase 1 plan
Adendum to Planning, Design and Access Statement
Drainage Strategy
Transmittal

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

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

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

4. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

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

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

5. There shall be no occupation of plots 37-40 until a suitable means of access to the properties are provided.

Reason: In the interests of highway safety.

6. Details of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling on site. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved.

Reason: To ensure a transport choice is provided and to ensure that users

will travel to and from the site by means other than the private car.

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

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

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

Reason: In the interests of reducing vehicle emissions in the town.

9. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Encompass Ecology Ltd's submitted report, dated December 2018 and further survey and include:

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

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

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

Reason: To protect and accommodate wildlife.

Reason for pre-commencement: To ensure no harm to protected species during construction and beyond.

10. The finished floor levels of properties next to the Priorswood Stream must be no lower than the existing property.

Reason: To prevent the increased risk of flooding.

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

Reason: To prevent the increased risk of flooding.

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.

Proposal

The proposal is Phase 1 of a redevelopment of the Woolaway homes in this area of north Taunton to provide improved accommodation for the local residents. The proposal seeks to demolish the existing 26 dwellings which have deteriorating concrete frames and replace them with 47 new units together with a community building. The accommodation will be affordable and be a mix of 1, 2, 3 and 4 bedroomed properties with 21 flats, 6 bungalows, 5 x 3 bed chalets and 15 houses, including 5 disabled adapted units.

Site Description

The site lies to the north of the existing shops at Priorswood and includes 5 separate sites, one north of Ludlow Avenue, one south of Cambridge Terrace, one north of Bodmin Road, one west of Dorchester Road and Wells Close and the site on the corner of Rochester Road and Dorchester Road. All are occupied by two storey Woolaway type houses. Lyngford Lane lies to the east and the local shops to the south.

Relevant Planning History

None

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - This application is for the replacement of 26 existing dwellings, together with the creation of an additional 21 new dwellings (ie a total of 47 dwellings replacing the existing 26 homes).

This forms part of Taunton Deane Borough Council's 'Woolaway Project' for a redevelopment within the Priorswood area of Taunton to replace or refurbish some 212 structurally defective Woolaway properties, mostly in District Council ownership, and create an additional 64 new properties (providing a new total of 276 dwellings). The 47 dwellings proposed within this application form the first phase of this project, with a separate outline application (with all matters reserved) having been submitted for the remaining phases of the project.

The Phase 1 works included within this application for full planning consent relate to five discrete sites within the overall regeneration area:

1. North of Bodmin Road;
2. South-West of Dorchester Road;
3. Wells Close;
4. West of Rochester Road; and
5. South of Cambridge Terrace.

Traffic Impact

A revised Transport Statement (TS) has been submitted in support of this outline application. The TS considers the redevelopment project as a whole, identifying the likely impact of a total development of 276 dwellings to replace 212 existing structurally defective properties and the provision of a new community facility of some 157.3 gross floor area. The TS concludes that the impacts of this regeneration project would be minimal. The Highway Authority considers that there is little risk of any severe impact from the proposals within the project, and thus does not object to the principle of this application.

Travel Plan

A Travel Plan (TP) is required for this phase of the project and the redevelopment as a whole but has not been submitted as part of either application. A suitable TP should be secured by agreement under Section 278 of the Town and Country Planning Act 1990. It is recommended that the TP be produced to cover all phases of the proposed development, including that within the remaining phases (currently subject to a separate outline planning application).

Parking

The optimal car parking provision for this site as set out in the adopted Somerset County Council Parking Strategy (SPS) for a residential development in a Zone A area such as this location is 73-83 spaces optimum with 76 Actual.

The proposed car parking is therefore generally in accordance with the optimum set within the SPS, and the Highway Authority therefore raises no objection to the proposals.

However, a point to note is that the allocation of parking space is not possible within the public highway, and any such spaces would remain available for all users. The applicant has proposed that the existing public highway be stopped up to provide dedicated parking spaces. This would require the completion of a legal process separate to any planning consent, the success of which cannot be guaranteed.

It is recommended that conditions be imposed on any planning consent to ensure appropriate provision for secure cycle parking, motorcycle/ scooter parking and electric vehicle charging within the final redevelopment proposals, to the approval of the Local Planning Authority.

Highway Works

The proposals include work within the existing public highway, which will require an appropriate legal agreement with the Highway Authority in order to progress, subsequent and separate to any planning consent. The applicant should bear in mind that the proposals will be subject to further detailed technical and safety audit as part of this process, which may result in amendments to the final proposals. However, the proposals also require the stopping up of the existing public highway. This would be achievable under Section 116 of the Highway Act 1980, or alternatively under Section 247 of the Town and Country Planning Act 1990 if the application specifically references this. The Highway Authority advises that stopping up under the Highways Act would not be appropriate or achievable in this instance. The application should therefore be made with specific reference to stopping up of the highway under the Town and Country Planning Act.

It should be noted that the stopping up procedure is subject to public consultation, and as such there is no guarantee that highway rights would be removed. Any permission granted on the basis of an area being stopped up would therefore not be implementable should this process fail. It is therefore recommended that the areas proposed for stopping up be agreed in detail with the Highway Authority prior to the grant of any planning consent, to ensure the stopping up process has the best chance of success.

However while the revised proposals have only been initially assessed, given the time available, a number of concerns have been identified which may affect the areas proposed for parking (and thus put forward by the applicant for stopping up). It is therefore recommended that the applicant hold further discussion with the Highway Authority to finalise the proposals and address these concerns, and thus confirm the areas to be put forward for stopping up, prior to the grant of any planning consent.

Other

Details of the proposed street lighting arrangements have been provided, but no comments are provided at this time. A detailed review of the proposal as they affect the existing and prospective public highway will be undertaken as part of the detailed technical review that is required within the approval process controlled by legal agreement with Somerset County Council.

Conclusions

The traffic impact of the proposals has now been assessed to the Highway Authority's satisfaction and this has identified that the proposals are unlikely to result in a severe impact on the existing highway network. No objection is therefore raised regarding the principles of this development.

The Highway Authority does not object to the proposed parking levels, but the allocation of spaces to individual properties is not possible within the public highway. The applicant has put forward areas where allocated parking will be provided on stopped-up public highway, but this would require the completion of a separate legal process, the success of which cannot be guaranteed.

It is recommended that any areas intended to be stopped up be agreed with the Highway Authority prior to the grant of any planning consent to provide the best chance of success with regard to the stopping up process.

In addition, a number of highway issues have been identified on the revised plans that will require amendment before an acceptable design is reached. As this may affect the areas put forward for stopping up, it is recommended that the designs be reviewed by the applicant, with input from the Highway Authority, and revised proposals submitted for consideration by the Local Planning Authority.

SCC - CHIEF EDUCATION OFFICER - I refer to the above-mentioned planning application received on 21 December 2018 and following consultation with colleagues I have comments regarding the implications of this development on Education provision :-

26 replacement & 21 new dwellings therefore only 21 additional would generate the number of children shown below for each education provider:

21 x 0.05 = 1.05 (2) Early years pupils
21 x 0.32 =6.72 (7) Primary school children
21 x 0.14 =2.94 (3) secondary school children

The 5 development locations are situated in the Wellsprings primary school catchments area, and children will go to the Taunton Academy for secondary. Wellsprings school is currently over capacity and Taunton Academy is forecast to have significant pressure. SCC would therefore require CIL funding to enable an expansion or improvement to the school to accommodate the children from this development.

Current pupil and build costs indicate that the following education contributions would be required:

2 x 17,074 = £34,148
7 x 17,074 = £119,518
3 x 24,861 = £74,583

An application for CIL funds will be carried out when the funding is required.

SCC - FLOOD RISK MANAGER - I am satisfied that whilst there is a slight increase in the discharge rate for some areas of the redevelopment, there is an overall betterment of at least 30% in terms of discharge (for the Q30) into the network which is consistent with brownfield sites.

SCC - ECOLOGY - Having looked at the ecology report and given the application site's location within the urban area of Taunton contrary to my previous email I do not need to carry out a Habitats Regulations Assessment for this application – unless Natural England states otherwise. The proposed development is highly unlikely to effect lesser horseshoe bats from the Hestercombe House SAC.

Further to Barbara's comments, and as the National Planning Policy Framework requires enhancement, paragraph 3 should mention examples of what would be required. I would recommend that a number of bat and bird boxes and bee bricks be built into the structure of the houses. Such as - Bat boxes should be of the

Habibat 001 type or similar that are built in the structure of buildings away from windows and over 4m above ground level generally on western elevations; bird nests should include house martin and swift nest cups, house sparrow nests and a variety of other types on northern elevations; and bee bricks about 1m above ground level on south elevations.

ENVIRONMENT AGENCY - initial comments

The Environment Agency OBJECTS to the proposed development, as submitted, on the following grounds:

The culverted Priorswood Stream, a main river, runs along the edge of part of this development.

Prior to any permission being granted, it must be ensured that appropriate maintenance easements widths can be achieved alongside the watercourse. We have regulatory jurisdiction over any potential works that could occur within 8.0m either side of the culverts. Therefore, there must be no development within this space.

This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the culverted Priorswood Stream, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

In addition, based on the outputs of the emerging Northern Tributary Tone Model in Taunton this site is now solely located within Flood Zone 1. This is now deemed at a low flood risk and is the ideal flood zone to develop.

Further comments

The Environment Agency can now WITHDRAW its earlier objection, as the applicant has modified the layout of the development, with the houses now further away from the stream than the original houses, and subject to the inclusion of conditions which meet the following requirements:

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the Craddys email dated 1 Mar'19 50089sk0073B Priorswood

Stream Easement – Existing & Proposed.

REASON: To prevent the increased risk of flooding

CONDITION: The finished floor levels must be no lower than the existing property.

REASON: To prevent the increased risk of flooding.

The following informatives and recommendations should be included in the Decision Notice.

The demolition and building work within 8m of the top of the bank may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. Erecting a fence along the boundary of the site or any other temporary works within 8 m of top of bank may also require a permit. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

BIODIVERSITY - Encompass Ecology Ltd carried out an ecological Impact assessment of the site in December 2018.

Findings were as follows:

Protected Sites - Hestercombe House SSSI and SAC is located 2km away so Larry Burrows will need to carry out a TOLSE.

Pyrland Park LWS, a site with an important assemblage of veteran trees, is located 1.2 km to the north west of the site.

Habitats - The site comprises of the houses, bare ground, scrub habitat, introduced scrub, amenity grassland, neutral grassland, scattered trees, hedgerow with trees along Lyngford Lane and running water.

Bats - Several buildings were identified as having potential for roosting bats. One property was visited and a further five loft inspections were undertaken but at all locations there was no evidence of current bat usage.

Further surveys were undertaken including remote bat detector surveys where common and soprano pipistrelle appeared to be the dominant species of bat in the area.

Pipistrelle bats were seen to emerge from several properties. Further bat surveys should be undertaken on properties due for demolition. Where a bat roost will be affected then a licence will be required from Natural England.

Results of bat surveys showed that no horseshoe bats were encountered. However I consider that Larry Burrows would still need to make a test of likely significance (TOLSE) although it is thought that the development would not impact on Hestercombe SAC.

Birds - Demolition of the buildings is likely to impact on nesting birds so works should take place outside of the bird nesting season. Removal of vegetation should also take place outside of the bird nesting season.

Badgers - No setts were found on site however there is potential for badgers to forage on site

Reptiles - During the PEA process a number of gardens were identified as having potential for reptiles. However due to the very hot summer in 2018 it was too hot to undertake reliable reptile assessments. Later many of the gardens had been trimmed therefore any reptiles would have dispersed. In consideration of this, a low level presence has been assumed

Prior to commencement of construction a reptile mitigation strategy is required as it is likely that reptiles will need to be translocated to a suitable receptor site

Water Voles - Despite a survey undertaken in August 2018 there was no indication of water vole on site.

Otters - No evidence of otters was found.

Hedgehogs - From discussions with residents, there were many records of hedgehogs being present on site. This presence was confirmed on site. I agree that gaps should be left under garden fences so that hedgehogs can forage between the garden areas.

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

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

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by

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

Reason: To protect and accommodate wildlife.

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

Bats are known to use the building(s) on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

The condition relating to wildlife requires the submission of information to protect wildlife. The local planning authority will expect to see a detailed method statement clearly stating how wildlife will be protected throughout the development process and be provided with a mitigation proposal that will maintain favourable status for species affected by this development proposal.

LANDSCAPE - No landscape objection. It is good to see that street trees are proposed. Mood board is acceptable but full landscape detail will be required.

WESSEX WATER - No comments

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No comment.

POLICE ARCHITECTURAL LIAISON OFFICER - Sections 2, 8, 9 & 12 of the National Planning Policy Framework July 2018 refer to the importance of considering crime & disorder at the planning stage. Paragraph 127(f) states;

Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Comments:-

Crime Statistics – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/01/2018-31/12/2018 is as follows:-

Arson & Criminal Damage – 10 Offences (incl. 3 criminal damage to dwellings & 3 criminal damage to motor vehicles)

Burglary – 4 Offences (comprising 3 residential burglaries & 1 business & community burglary)
Drug Offences – 2
Miscellaneous Crimes Against Society - 1
Public Order Offences – 19 (incl. 14 causing intentional harassment, alarm, distress)
Sexual Offences - 2
Theft – 42 Offences (incl. 3 theft of pedal cycle and 29 shoplifting)
Vehicle Offences – 3 (all theft from motor vehicles)
Violence Against the Person – 42 Offences (incl. 6 assault ABH & 17 common assault & battery, 6 Harassment)
Other Offences - 1
Total – 126 Offences

This averages less than 11 offences per month, which is classed as a low level of reported crime.

General Comment – in December 2017, the Nash Partnership Architects contacted me requesting my input into the North Taunton Woolaway Project with regard to the police approved Secured by Design scheme and the benefits of designing out crime.

I was subsequently invited to attend the Residents Design Group Meeting on 17th January 2018, where I made a presentation to the group on all aspects of Secured by Design. I subsequently attended a further Design Group Meeting on 18th April 2018 to respond to queries arising regarding certain aspects of Secured by Design.

Design & Access Statement – further to this, the DAS at page 28 contains a section headed ‘**Secure by Design**’, which lists some fifteen areas of crime prevention design which were discussed with the Residents Design Group and which have been incorporated into this scheme. Without repeating them, I support the points made and the only other comment I would make at this stage is as follows:-

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

Secured by Design(SBD) – if planning permission is granted, the applicant is fully aware of the police approved Secured by Design award scheme and is advised to refer to the ‘**SBD Homes 2016**’ design guide available on the Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

SOUTH WESTERN AMBULANCE SERVICE - No comment

LEISURE DEVELOPMENT - Off site play provision for the upgrade in numbers will equate to a sum of £19,578.

HOUSING ENABLING - It is noted that a Structural Engineers report undertaken in 2013 concluded that the Woolaway units were showing signs of deterioration. This, along with subsequent assessments of other Council owned Woolaway properties that highlighted the situation to be worse than previously thought, has resulted in the need for this scheme.

The proposed scheme has been based on extensive consultation with the community, involving every household as far as possible. The proposed mix includes a range of property sizes and types in line with the results of the consultation and taking into account the needs of decants at later stages. The inclusion of 1 bedroom properties provides a broader mix, whilst any additional units has been based on Homefinder Somerset. As such, the scheme is considered to meet the local need.

SCC HERITAGE TRUST - No objections on archaeological grounds.

SOMERSET WILDLIFE TRUST - We would fully support the comments of the Authority's Biodiversity Officer in respect of the need for a TOLSE, various follow up surveys, bat and bird boxes etc. All of these proposals should be addressed with an agreed strategy before planning permission is granted.

HOUSING STANDARDS – No comments

TAUNTON DEANE SWIFTS GROUP – Given Encompass Ecology's findings that 'House Sparrows, a UK priority BAP species were recorded nesting on site in many locations. Juvenile Starlings, another UK BAP(P) species were also recorded nesting on site... obvious nesting species on site was House Martin, an 'amber' species listed by the RSPB as a declining breeding species (and) swifts were also considered to be likely nesting on site along Hereford Drive, again an 'amber' listed declining breeding species.'

we would strongly recommend that bird and bat boxes are built into the fabric of buildings, recreating natural cavities found in historic properties. Integral boxes are inconspicuous, simple and inexpensive to install and do not require ongoing maintenance. Swift boxes are preferred since, as well as swifts, they can be used by house sparrows, great tits, starlings and might be used by some species of bats. Boxes should be c. five metres above ground level in locations sheltered from prevailing weather and direct sunlight, and sited close to the eaves or barge boards. In larger buildings, optimal height and number will depend on the design of the building and the surrounding area. As swifts breed in colonies, a minimum of 12 cavities in groups of 2-3 should be created. In new residential developments, a minimum overall ratio of one cavity per dwelling should be provided. Swifts are site faithful so unless existing nest sites are replaced, the colony will be lost - to reduce the risk of this happening, a mitigation plan should be mandatory where buildings are being redeveloped or renovated.

The Priorswood area of Taunton supports a threatened swift population and this is an excellent opportunity to provide for endangered nesting bird species for generations to come.

Nesting bricks are a relatively inconspicuous and inexpensive strategy to cater for these threatened bird species and, as Encompass Ecology state, 'Much of the ecological provision can now be in-built (subject to housing construction method) as well as being incorporated into habitat design and enhancements of retained habitat areas.'

We can offer advice regarding the siting of these bricks if necessary.

WESTERN POWER DISTRIBUTION - All these premises have live power supplies. They will require disconnection prior to demolition utilising the correct protocol. All work in the vicinity of Western Power apparatus will be conducted in a safe manner. GS6 applies (Health & Safety Executive).

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comment.

OPEN SPACES MANAGER - No comment.

Representations Received

6 letters of objection and concern over

- design of community centre,
- nature of green space,
- boundary treatment
- overlooking
- impact on properties other side of Lyngford Lane
- impact on elderly occupiers causing stress,
- inadequate consultation,
- not enough support for the vulnerable
- lack of clarity
- no flexibility in plans and assumes sale or CPO of certain properties,
- Phase 1 should be included in the outline,
- Not in conformity with DM4 and will increase density
- poor design quality
- loss of amenity and private space
- overdevelopment and not enhance biodiversity
- not in compliance with parking policy A1 with under provision
- failure to provide decent open space
- open space will not be adequately maintained
- concern over height of new dwellings

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.

CP1 - Climate change,
CP4 - Housing,
CP5 - Inclusive communities,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
SD1 - Presumption in favour of sustainable development,
A1 - Parking Requirements,
A2 - Travel Planning,
D7 - Design quality,
D8 - Safety,
D9 - A Co-Ordinated Approach to Dev and Highway Plan,
D10 - Dwelling Sizes,
D12 - Amenity space,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed development measures approx. 3680sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £257,500.00. With index linking this increases to approximately £345,000.00.

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	£22,660
Somerset County Council	£5,665

6 Year Payment

Taunton Deane Borough	£135,963
Somerset County Council	£33,991

Determining issues and considerations

The main considerations with this proposal are the impact on the character of the

area, amenity impact, wildlife, access, parking and drainage.

The site is an existing built up area within the town and as such is a sustainable location for redevelopment in compliance with policy SP1. The scheme is a detailed one for 5 parcels of land over 1.05ha currently comprising 26 two storey properties. The proposal is to demolish the existing dwellings and provide 47 new homes in a mix of flats, bungalows and houses. The scheme has been considered by the Design Review Panel and is supportive of the development. A pair of bungalows is proposed on the corner of Ludlow Avenue and Rochester Road. South of Cambridge Terrace it is proposed to erect a terrace of 5 houses with parking plus a house and three flats on the corner with Rochester Road. There is over 21m wall to wall distance across Lyngford Lane to the properties to the east and given the design of the terrace there is considered to be no adverse amenity impact. 4 houses are proposed off Bodmin Road and these have been adjusted to maintain access to the culvert to the west. Two bungalows are proposed on the corner of Dorchester Road and replace a pair of houses and are related to local needs requirements.

The main area of change in Phase 1 is the corner of Dorchester Road and Rochester Road. The proposal is to provide two and three storey properties on the corner road frontage which reflects the scale of the local shopping centre to the south and provides a community centre facility on the ground floor frontage with Rochester Road. 16 flats are proposed on the Dorchester Road frontage and a terrace of 5 houses facing onto Rochester Road. A new close is provided off Rochester Road with flats over garages and a terrace of two storey dwellings an associated parking areas. Finally a new terrace of 4 houses is proposed facing Durham Place.

The design of these properties is considered to reflect the character of the area and steps down the road towards the local shopping centre. The materials will match in with the general area and are to be conditioned. The design is considered to preserve the amenity of existing properties in the area given height and distances involved.

An ecological assessment has been submitted with the application and there were no identified adverse impacts on protected species identified and the site is of limited ecological interest. An enhancement of habitats across the sites is possible and a condition to address protection and enhancements is recommended by the Biodiversity Officer.

Access to the site will utilise existing access roads that are adopted highways. The Highway Authority raise no objection to the principle of the scheme and consider the development would not adversely impact on traffic in the area and would be capable of providing the appropriate level of car parking in line with policy. A travel plan will be required and it is considered that this can be a condition of any approval. A suitable legal agreement will be required to deal with any works in the highway and to control future maintenance of any parking areas as well as trees in the highway. The proposal would involve stopping up of parts of the highway and the Highway Authority consider this process would need to be agreed as part of this detailed scheme before permission is granted to ensure the detailed layouts submitted can be implemented. While this would not affect the housing provision on the site it may impact in small areas of landscaping and parking. Consequently it is recommended that the application be delegated to officers to determine once any stopping

procedure has been addressed.

The site is drained by an existing system in terms of foul and surface water drainage and new connections will need to be made. This will be covered by existing legislation. As there will be new dwellings as part of the scheme a suitable means of surface water treatment is required and a condition to address this is considered appropriate. The Environment Agency has withdrawn its initial objection and recommended conditions be imposed.

The application site lies within easy walking distance of the existing public park to the south and the Leisure Officer considers that while there is no need for additional space on site a contribution in terms of the potential to upgrade play equipment in the park is required due to the uplift in numbers of dwellings. Consequently an agreement to secure the necessary sum for improved play facilities forms part of the recommendation.

In summary the redevelopment of the area as proposed is considered as an acceptable one and not to harm the character or amenity of the area, or wildlife, flood risk and highway safety and subject to a legal agreement and appropriate conditions is recommended for approval.

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

38/18/0467

ADDENDUM TO REPORT OF GARETH CLIFFORD

SOMERSET WEST AND TAUNTON COUNCIL

Outline Planning Application with all matters reserved for the replacement and refurbishment of 186 Woolaway homes and the erection of additional dwellings to provide up to 230 No. dwellings on land located between Lyngford Lane and Dorchester Road, Taunton

Location: LAND LOCATED BETWEEN DORCHESTER ROAD AND
LYNGFORD LANE, TAUNTON

Grid Reference: 323355.126801 Outline Planning Permission

Proposal

Members may recall the application was considered at the Planning Committee meeting on 27 March 2019, where it was resolved to grant conditional approval subject to a Section 106 agreement to secure the play provision contribution and maintenance of the off-site parking and street trees.

The proposal is an outline application with all matters reserved for the replacement and refurbishment of 186 Woolaway homes and to provide up to 230 new dwellings on land between Lyngford Lane and Dorchester Road, north Taunton. All matters are reserved for approval, although illustrative plans have been submitted showing a potential layout. The intention is to address the structural issues with a large concentration of Woolaway properties by proposing to replace the majority and refurbishing some along the west side of Dorchester Road and the north side of Ludlow Avenue.

The application is accompanied by a Design & Access statement, an Environmental Assessment, a Flood Risk Assessment, a Transport Statement Ecological Assessment and a Statement of Community Involvement.

The S106 agreement has yet to be signed and therefore the decision has not been issued.

The client is keen to commence the development as soon as possible and has requested changes to condition 04, which relates to a requirement for the submission of a strategy for the protection of wildlife prior to commencement of development. The request has been made to avoid a pre-commencement condition, which would delay the commencement of works.

Site Description

The site is an area of largely two storey concrete framed dwellings set along ten roads within an area north of the local shops at Priorswood. The area is

approximately 6.44ha and comprises 186 residential properties and access is via existing highway infrastructure.

Relevant Planning History

None

Consultation Responses

Following consultation of the proposed change to condition 09, the Ecologist has been reconsulted and the following response has been received:

"I understand that the above applications are due to go back to committee on the 14th November. Please could you replace the condition below for both applications as follows?

The application site lies within Band B of the Bat Consultation Zone for the Hestercombe House SAC which is designated for its lesser horseshoe bat feature. However, the proposed development is highly unlikely to have an effect on lesser horseshoe bats and, therefore, I do not propose to carry out a Habitats Regulations Assessment for the application.

An Ecological Impact Assessment of the application sites was carried out by Encompass Ecology in December 2018.

Bird surveys found that starlings and house sparrows, both listed on S41 of the Natural Environment and Rural Communities Act 2006 as a priority species for which the local planning authority has to have regard for the conservation of in carrying out its duties, and house martins were present. Swifts were also considered to be nesting on the site along Hereford Drive and potentially present into September. The following condition will therefore be required:

- No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place between 1st March and 15th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist.

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

The following is also required in order that nesting provision is reinstated and enhanced within the development. In addition provision will be required to replace bat roost sites (see below). The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. [Swallows are

loyal to nesting sites and have been in decline since the 1970's across Europe. I consider the replacement provision needs to be installed to ensure no net loss of biodiversity in accordance with Government policy.] [A bee brick would contribute to the Somerset Pollinator Action Plan. Research shows that bees will live in the bricks and there is no risk associated with their installation as solitary bees do not live in hives or have a queen, and do not sting. The bricks have a solid back with the cavities placed on the outside wall.] I recommend that the following is conditioned.

- The following will be integrated into dwellings or mounted up suitable trees / buildings unless otherwise agreed in writing by the Local Planning Authority:
 - a) A Habibat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevations of 28 dwellings
 - b) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level and away from windows on the north facing elevation of 1 dwelling
 - c) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves and away from windows of the north elevation of 10 dwellings
 - d) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 20 dwellings
 - e) Ten Schwegler 3S Starling Nest Boxes will be mounted on the northerly facing aspect of trees and maintained thereafter
 - f) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of each dwelling
 - g) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

Plans showing the locations of installed features will be submitted to and agreed in writing by the local planning authority prior to the completion of construction works.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species, priority bird species and in accordance with Government policy for the maintenance and enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

During the surveys a number of garden areas, mainly associated with derelict properties, were identified as potential areas in which further reptile surveys were required. It is likely that slow-worms are present in these areas. Compass Ecology suggest that a mitigation strategy be agreed for the site prior to commencement. It was also considered that hedgehogs, a S41 priority species, may also be present in gardens. This needs to be conditioned as follows:

- Prior to the removal of vegetation and or groundworks a ‘Reptile and Hedgehog Mitigation Strategy’ will be submitted to and approved in writing by the Local Planning Authority. The strategy shall specify a suitable translocation site if needed. The works shall then be carried out in strict accordance with the approved strategy unless modified with the written agreement of the Local Planning Authority.

Reason: In the interests of UK protected and priority species and in accordance with policy CP8 of the Taunton Deane Core Strategy

Figure 6 of the Compass Ecology report identifies locations of known bat roosts that would be affected by the proposed development. The roosts in these houses are likely to be damaged or destroyed and or bats harmed or disturbed and would require a European protected species licence in place before any works begin on them. The following is required to be conditioned in order that Somerset West and Taunton Council fulfils its legal duty of ‘strict protection’ of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998).

- Works to 2/4 and 14/16 Dorchester Road, 9 to 15 Dover Road, 2/4 Southampton Row, 10/12 Hereford Drive, and 1/3 Oxford Place shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified dwellings will require a licence.

Reason: In the interest of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

The following condition is also required again to ensure that the LPA fulfils its legal duty of ‘strict protection’ of European protected species:

- Works to dwellings will not commence until:
 - a) Construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the toolbox talk
 - b) Three 2FN Schwegler bat box to provide suitable alternative roosting locations, to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a minimum

- height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. Photographs showing their installation will be submitted to the Local Planning Authority
- c) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist. Any further findings shall be reported to the Local Planning Authority

Reason: In the interest of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

Badgers and hedgehogs are potentially present on the application site. Compass Ecology recommend that an angled plank be deployed as an escape from deep trenches. However, in reality this cannot be reasonably enforced through a condition. The following informative should be added to the planning permission.

- The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Determining issues and considerations

The ecological assessment submitted with the original application did not identify any adverse impacts on protected species and the site is of limited ecological interest. An enhancement of habitats across the sites is possible.

Somerset Wildlife Trust and Taunton Deane Swifts Group made representations regarding the wildlife implications of the development. It is considered that the changing to the wording and timing of the condition would satisfactorily address the issues they raised.

The proposed changes to condition 04 would ensure the protection of wildlife in accordance with EU legislation, the NPPF and adopted CP8, whilst ensuring the development can commence in a timely manner.

The application is recommended for approval subject to the above changes to condition 04, with all other conditions being retained and subject to a legal agreement.

TAUNTON DEANE BOROUGH COUNCIL

Outline Planning Application with all matters reserved for the replacement and refurbishment of 186 Woolway homes and the erection of additional dwellings to provide up to 230 No. dwellings on land located between Lyngford Lane and Dorchester Road, Taunton

Location: LAND LOCATED BETWEEN DORCHESTER ROAD AND
LYNGFORD LANE, TAUNTON

Grid Reference: 323355.126801 Outline Planning Permission

Recommendation

Recommended decision: Awaiting S106 Completion DO NOT ISSUE subject to a Section 106 to secure the play provision contribution and maintenance of any off site parking and street trees.

Recommended Conditions (if applicable)

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

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

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:

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

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

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

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

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

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of any outside lighting
5. A Construction and Environmental management Plan (CEMP) and a Landscape and ecological management Plan (LEMP)

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

Reason: To protect and accommodate wildlife.

Reason for pre-commencement: To protect wildlife during construction.

5. A detailed phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to reserved matter details being submitted for approval and shall be carried out as agreed unless a variation is agreed in writing by the Local Planning Authority.

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

6. Details of a Travel Plan shall be submitted to and approved in writing by the

Local Planning Authority prior to the occupation of any dwelling on site. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable.

Reason: To ensure a transport choice is provided and to ensure that users will travel to and from the site by means other than the private car.

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

Reason: To ensure the adequate provision of drainage infrastructure.

8. Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of sustainable development and highway safety.

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. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should

ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Bats are known to use the building(s) on site. . The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

The condition relating to wildlife requires the submission of information to protect wildlife. The local planning authority will expect to see a detailed method statement clearly stating how wildlife will be protected throughout the development process and be provided with a mitigation proposal that will maintain favourable status for species affected by this development proposal.

Proposal

The proposal is an outline application with all matters reserved for the replacement and refurbishment of 186 Woolaway homes and to provide up to 230 new dwellings on land between Lyngford Lane and Dorchester Road, north Taunton. All matters are reserved for approval, although illustrative plans have been submitted showing a potential layout. The intention is to address the structural issues with a large concentration of Woolaway properties by proposing to replace the majority and refurbishing some along the west side of Dorchester Road and the north side of Ludlow Avenue.

The application is accompanied by a Design & Access statement, an Environmental Assessment, a Flood Risk Assessment, a Transport Statement Ecological Assessment and a Statement of Community Involvement.

Site Description

The site is an area of largely two storey concrete framed dwellings set along ten roads within an area north of the local shops at Priorswood. The area is approximately 6.44ha and comprises 186 residential properties and access is via existing highway infrastructure.

Relevant Planning History

None

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - The Highway Authority has the

following observations on the highway and transportation aspects of this proposal following consideration of the application details and observations from site visits. For clarity, this response considers the revised proposals that were provided to the Highway Authority by the applicant on Friday 8 March 2019, and a revised Transport Statement submitted on Tuesday 12 March.

This planning application relates to Taunton Deane Borough Council's 'Woolaway Project' for a redevelopment within the Priorswood area of Taunton, to replace or refurbish some 212 structurally defective Woolaway properties, mostly in District Council ownership, and create an additional 64 new properties (providing a new total of 276 dwellings). This application seeks outline consent, with all matters reserved, for a total of 230 dwellings (refurbished, replacement and new). A separate, full, planning application has been submitted to provide a total of 47 dwellings together with a community facility, forming phase 1 of the overall project.

Traffic Impact

A revised Transport Statement (TS) has been submitted in support of this outline application. The TS considers the redevelopment project as a whole, identifying the likely impact of a total development of 276 dwellings to replace 212 existing structurally defective properties, together with a 157m² community facility.

The TS includes predicted vehicle trip generation for the additional 64 dwellings within the redevelopment project, based on generation rates applicable to 'affordable/ Local Authority houses'. These trip generation figures are accepted by the Highway Authority on the basis that the dwellings within the regeneration scheme will not be open market properties (but it should be noted that the TS would require revision should this not be the case). In addition, trip rates for the community facility have been assumed to be on a worst-case basis, with the intention of the facility to primarily cater for local residents and thus with a greater opportunity to encourage trips by modes other than the private car.

The TS identifies that the overall redevelopment proposals would generate around one additional vehicle trip every 2 minutes in the peak periods, which would be distributed over the wider highway network, concluding that the impacts of such additional traffic would be minimal.

The Highway Authority considers it unlikely that the additional traffic impacts of this development would be 'severe' in terms of the guidelines set by the National Planning Policy Framework (NPPF), and therefore does not object to the principle of the proposed regeneration project as set out within this application.

Travel Plan

A Travel Plan (TP) is required for this redevelopment project but has not been submitted as part of the application. A suitable TP should be secured at this outline stage by agreement under Section 278 of the Town and Country Planning Act 1990. It is recommended that the TP be produced to cover all phases of the proposed development, including that within Phase 1 (currently subject to a separate full planning application).

Parking

The optimal car parking provision for this site as set out in the adopted Somerset County Council Parking Strategy (SPS) for a residential development in a Zone A area such as this location is an optimum figure of 459-512 against an actual figure of 490.

The Local Planning Authority (LPA) set parking rates for dwellings within their Adopted Site Allocations and Development Management Plan. These rates are the same as the SPS in this area, but it is noted that this figure is treated as a maximum in the LPA standard rather than an optimum.

The proposals to regulate parking arrangements would be a significant improvement on the current ad-hoc parking arrangements and should help reduce the risk of obstruction. The Highway Authority therefore does not object to the proposals on the basis of the overall proposed car parking provision.

The details of the arrangements for each phase will need to be developed as the designs progress, and considered as part of any future reserved matters application.

A point to note is that the allocation of parking space is not possible within the public highway, and any such spaces would remain available for all users. The applicant has proposed within the indicative layout that the existing public highway be stopped up to provide dedicated parking spaces. This would require the completion of a legal process separate to any planning consent, the success of which cannot be guaranteed.

The revised TA makes reference to bicycle parking, motorcycle parking and the provision of electric vehicle charging facilities. Conditions should be imposed on any consent granted to ensure appropriate facilities are included within the detailed design of the layout of the proposed redevelopment.

Highway Works

The indicative layout provided as part of the submitted documents include significant alterations to the existing highway network, with highway proposed for stopping up and new alternative highway created, significantly changing the layout and routing of the roads and footways within the regeneration area.

As all matters are reserved in this application, detailed comments are not provided at this stage but would be considered as each phase of the project is submitted for reserved matters/ full planning consent. This includes the detailed highways plans that have recently been provided that show design issues such as visibility splays and vehicle swept paths. For the avoidance of doubt, the Highway Authority does not approve the indicative layout as shown in the revised proposals, but can provide feedback and advice direct to the applicant to inform their ongoing design work, if this is of help.

A particular point to note is the process required for stopping up of the existing public highway. This would be achievable under Section 116 of the Highway Act 1980, or alternatively under Section 247 of the Town and Country Planning Act 1990 if a planning application specifically references this. The Highway Authority advises that stopping up under the Highways Act would not be appropriate or achievable in this instance, and thus any future reserved matters/ full application relating to this current outline application should be made with specific reference to stopping up of the highway under the Town and Country Planning Act.

The stopping up procedure is subject to public consultation, and as such there is no guarantee that highway rights would be removed. Any permission granted on the basis of an area being stopped up would therefore not be implementable should this process fail. A stopping up plan has been included within the submission for this outline application but the areas proposed are not agreed with the Highway Authority, and are in any case subject to change as the detailed layout proposals are developed. The Highway Authority recommends that the stopping up proposals submitted for this application are not included within any approved plans, should the Local Planning Authority determine to grant consent, and instead the areas proposed for stopping up be agreed in detail with the Highway Authority prior to the submission of any reserved matters application, to ensure the stopping up process has the best chance of success.

Other

The applicant should note that any works within or affecting the public highway will require a suitable legal agreement with Somerset County Council as the Highway Authority, and the proposed works will require detailed assessment and approval as part of the agreement process. The applicant is advised to allow appropriate time for this process.

Any obstructions within areas that are to remain public highway (seats, planters or similar landscaping or street furniture) will require licencing from the Highway Authority, and any planting within the adopted highway will require approval from the Highway Authority, together with a commuted sum for future maintenance.

Details of the proposed street lighting arrangements have been submitted, but no comments are provided at this time. A detailed review of the proposals as they affect the existing and prospective public highway will be undertaken as part of the detailed technical review that is required within the approval process controlled by legal agreement with Somerset County Council.

Conclusions

The revised Transport Statement has assessed the expected traffic impact of these proposals, and the Highway Authority considers that a 'severe' impact is not likely. No objection is therefore raised with regard to the principle of this regeneration project.

A Travel Plan will be required for this development, and the Highway Authority recommends this be secured by agreement under Section 106 of the Town and Country Planning Act 1990.

Car parking proposals are put forward within the indicative plans, and the Highway Authority does not object to the level of parking proposed. Details of the parking arrangements will be considered as each phase comes forward as a reserved matters (or full) planning application.

For clarity the applicant should be aware that the indicative layout submitted with this application has not been assessed in detail, and is not approved by the Highway Authority. Similarly, the highway stopping-up proposals included as part of

this outline application will require review and agreement with the Highway Authority. Any future reserved matters application should be based on layouts agreed with the Highway Authority, and the applicant is encouraged to maintain a dialogue with the Authority to help develop suitable proposals.

The Highway Authority therefore raises no objection to this application, subject to the following conditions:

- Approval of the details of the means of access to the site shall be obtained in writing from the Local Planning Authority;
- 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;
- 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
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- 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;
- Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied;

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.

SCC - CHIEF EDUCATION OFFICER - This development will provide 44 new developments, and therefore would generate the following pupil numbers for each education provider:

230 total-186 existing = 44
44 x 0.05 = 2.2 (3) Early years pupils
44 x 0.32 = 14.08 (15) Primary school children
44 x 0.14 = 6.16 (7) Secondary school children

This development is in the Wellsprings primary catchment, and Taunton Academy for secondary. Both schools are over capacity and therefore Somerset CC would request CIL funding to enable the schools to expand or improve to enable children from these developments to attend.

Current pupil and build costs indicate that the following level of Education contributions would be required:

3 x 17,074 = £51,222 for early years
15 x 17,074 = £256,110 for Primary
7 x 24,861 = £74,0271 for secondary

An application to receive CIL funding will be submitted when necessary.

SCC - FLOOD RISK MANAGER - An assessment of existing vs proposed

impermeable area and allowable discharge for each entire phase (not just each plot) would be helpful and a quantification in terms of the betterment provided through the refurbishment of the site should be provided. Whilst I understand the use of the 5l/s for general design principles, the reality is that there are flow controls on the market which can safely restrict to 2l/s and even less in some cases.

SCC - ECOLOGY - Having looked at the ecology report and given the application site's location within the urban area of Taunton contrary to my previous email I do not need to carry out a Habitats Regulations Assessment for this application – unless Natural England states otherwise. The proposed development is highly unlikely to effect lesser horseshoe bats from the Hestercombe House SAC. Further to Barbara's comments, and as the National Planning Policy Framework requires enhancement, paragraph 3 should mention examples of what would be required. I would recommend that a number of bat and bird boxes and bee bricks be built into the structure of the houses. Such as - Bat boxes should be of the Habitat 001 type or similar that are built in the structure of buildings away from windows and over 4m above ground level generally on western elevations; bird nests should include house martin and swift nest cups, house sparrow nests and a variety of other types on northern elevations; and bee bricks about 1m above ground level on south elevations.

ENVIRONMENT AGENCY – initial comments

The Environment Agency OBJECTS to the proposed development, as submitted, on the following grounds:

The culverted Priorswood Stream, a main river, runs along the edge of part of this development.

Prior to any permission being granted, it must be ensured that appropriate maintenance easements widths can be achieved alongside the watercourse. We have regulatory jurisdiction over any potential works that could occur within 8.0m either side of the culverts. Therefore, there must be no development within this space.

This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the culverted Priorswood Stream, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

In addition, based on the outputs of the emerging Northern Tributary Tone Model in Taunton this site is now solely located within Flood Zone 1. This is now deemed at a low flood risk and is the ideal flood zone to develop.

Further comments

The Environment Agency can now WITHDRAW its earlier objection, as the applicant has modified the layout of the development, with the houses now further away from the stream than the original houses, and subject to the inclusion of conditions which meet the following requirements:

CONDITION:

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

REASON: To prevent the increased risk of flooding

CONDITION: The finished floor levels must be no lower than the existing property.

REASON: To prevent the increased risk of flooding.

The following informatives and recommendations should be included in the Decision Notice.

The demolition and building work within 8m of the top of the bank may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. Erecting a fence along the boundary of the site or any other temporary works within 8 m of top of bank may also require a permit. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

BIODIVERSITY - Encompass Ecology Ltd carried out an ecological Impact assessment of the site in December 2018.

Findings were as follows:

Protected Sites

Hestercombe House SSSI and SAC is located 2km away so Larry Burrows will need to carry out a TOLSE.

Pyrland Park LWS, a site with an important assemblage of veteran trees, is located 1.2 km to the north west of the site.

Habitats

The site comprises of the houses, bare ground, scrub habitat, introduced scrub, amenity grassland, neutral grassland, scattered trees, hedgerow with trees along Lyngford Lane and running water.

Bats

Several buildings were identified as having potential for roosting bats. One property was visited and a further five loft inspections were undertaken but at all locations there was no evidence of current bat usage.

Further surveys were undertaken including remote bat detector surveys where common and soprano pipistrelle appeared to be the dominant species of bat in the area.

Pipistrelle bats were seen to emerge from several properties. Further bat surveys should be undertaken on properties due for demolition. Where a bat roost will be affected then a licence will be required from Natural England.

Results of bat surveys showed that no horseshoe bats were encountered. However I consider that Larry Burrows would still need to make a test of likely significance (TOLSE) although it is thought that the development would not impact on Hestercombe SAC.

Birds

Demolition of the buildings is likely to impact on nesting birds so works should take place outside of the bird nesting season. Removal of vegetation should also take place outside of the bird nesting season.

Badgers

No setts were found on site however there is potential for badgers to forage on site

Reptiles

During the PEA process a number of gardens were identified as having potential for reptiles. However due to the very hot summer in 2018 it was too hot to undertake reliable reptile assessments. Later many of the gardens had been strimmed therefore any reptiles would have dispersed. In consideration of this, a low level presence has been assumed

Prior to commencement of construction a reptile mitigation strategy is required as it is likely that reptiles will need to be translocated to a suitable receptor site

Water Voles

Despite a survey undertaken in August 2018 there was no indication of water vole on site.

Otters

No evidence of otters was found.

Hedgehogs

From discussions with residents, there were many records of hedgehogs being present on site. This presence was confirmed on site. I agree that gaps should be left under garden fences so that hedgehogs can forage between the garden areas.

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

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of any outside lighting
5. A Construction and Environmental management Plan (CEMP) and a Landscape and ecological management Plan (LEMP)

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

Reason: To protect and accommodate wildlife.

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.

Bats are known to use the building(s) on site. . The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

The condition relating to wildlife requires the submission of information to protect wildlife. The local planning authority will expect to see a detailed method statement clearly stating how wildlife will be protected throughout the development process and be provided with a mitigation proposal that will maintain favourable status for species affected by this development proposal.

LANDSCAPE - No landscape objection. It is good to see that street trees are proposed. Full landscape detail will be required.

WESSEX WATER - No comment

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No comment

POLICE ARCHITECTURAL LIAISON OFFICER - No comments

SOUTH WESTERN AMBULANCE SERVICE - No comments

HOUSING ENABLING - It is noted that a Structural Engineers report undertaken in 2013 concluded that the Woolaway units were showing signs of deterioration. This, along with subsequent assessments of other Council owned Woolaway properties that highlighted the situation to be worse than previously thought, has resulted in the need for this scheme.

The proposed scheme has been based on extensive consultation with the community, involving every household as far as possible. The indicative mix includes a range of property sizes and types in line with the results of the consultation. The inclusion of 1 bedroom and 5 properties, along with an appropriate level of fully adapted disabled units, provides a broader mix than the current situation. The development would be phased with each phase considering the mix to support returning decants. As such, the scheme is considered to meet the local need.

HOUSING STANDARDS - No comment

WESTERN POWER DISTRIBUTION - All these premises have live power supplies. They will require disconnection prior to demolition utilising the correct protocol. All work in the vicinity of Western Power apparatus will be conducted in a safe manner. GS6 applies (Health & Safety Executive).

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comment

OPEN SPACES MANAGER - No comment.

COMMUNITY LEISURE - Off site play provision for the upgrade in numbers will equate to a sum of £143,572.

SOMERSET WILDLIFE TRUST - We have note the application as well as the comments of the Authority's Biodiversity Officer. We have already commented on related application 38/18/0465 and want those comments also applied to this application.

TAUNTON DEANE SWIFTS GROUP - Given Encompass Ecology's findings that 'House Sparrows, a UK priority BAP species were recorded nesting on site in many locations. Juvenile Starlings, another UK BAP(P) species were also recorded

nesting on site... obvious nesting species on site was House Martin, an 'amber' species listed by the RSPB as a declining breeding species (and) swifts were also considered to be likely nesting on site along Hereford Drive, again an 'amber' listed declining breeding species.'

we would strongly recommend that bird and bat boxes are built into the fabric of buildings, recreating natural cavities found in historic properties. Integral boxes are inconspicuous, simple and inexpensive to install and do not require ongoing maintenance. Swift boxes are preferred since, as well as swifts, they can be used by house sparrows, great tits, starlings and might be used by some species of bats. Boxes should be c. five metres above ground level in locations sheltered from prevailing weather and direct sunlight, and sited close to the eaves or barge boards. In larger buildings, optimal height and number will depend on the design of the building and the surrounding area. As swifts breed in colonies, a minimum of 12 cavities in groups of 2-3 should be created. In new residential developments, a minimum overall ratio of one cavity per dwelling should be provided. Swifts are site faithful so unless existing nest sites are replaced, the colony will be lost - to reduce the risk of this happening, a mitigation plan should be mandatory where buildings are being redeveloped or renovated.

The Priorswood area of Taunton supports a threatened swift population and this is an excellent opportunity to provide for endangered nesting bird species for generations to come.

Nesting bricks are a relatively inconspicuous and inexpensive strategy to cater for these threatened bird species and, as Encompass Ecology state, 'Much of the ecological provision can now be in-built (subject to housing construction method) as well as being incorporated into habitat design and enhancements of retained habitat areas.'

We can offer advice regarding the siting of these bricks if necessary.

SCC HERITAGE TRUST - No objections on archaeological grounds.

DESIGN REVIEW PANEL - SUMMARY OF KEY RECOMMENDATIONS

In summary the main recommendations of the Panel are :

- The design process and community consultation process undertaken to date has been extremely rigorous and it is felt has the potential to be outstanding
- Based upon the brief and design parameters set, that the design may be seen to be exceptional
- Careful coordination and consideration of county highways issues needs to be undertaken at this stage of the design
- There may be an opportunity to provide better architectural articulation and a clearer sense of place
- A long-term strategy for maintenance and management of the public realm is considered to be essential; it may be beneficial for this to be produced at this stage as it may influence design decisions
- It may be beneficial for the community to remain involved throughout the construction process

- A careful balance is needed between providing a highly legible masterplan and maintaining the successful aspects of the existing place
- There is an opportunity for house frontages and outlooks to be realigned so as to work more specifically with urban design aspects
- The design of the mews spaces may benefit from further design development
- There may be an opportunity to reduce the width and dominance of the road adjacent to this proposed open space
- The Panel are very supportive of the proposal to incorporate elements of on street parking and the use of build-out and street trees as traffic calming measures
- There may be an opportunity to further consider the needs of cyclists
- There may be an opportunity to consider some streets creating a preference towards pedestrians
- It is considered that the D&A statement would benefit from further development.

Representations Received

5 Objections on the grounds of

- impact on elderly occupiers causing stress,
- inadequate consultation,
- not enough support for the vulnerable
- lack of clarity
- no flexibility in plans and assumes sale or CPO of certain properties,
- Phase 1 should be included in the outline,
- Not in conformity with DM4 and will increase density
- poor design quality
- loss of amenity and private space
- overdevelopment and not enhance biodiversity
- not in compliance with parking policy A1 with under provision
- failure to provide decent open space
- open space will not be adequately maintained
- concern over height of new dwellings

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.

CP1 - Climate change,
 CP4 - Housing,
 CP5 - Inclusive communities,
 CP6 - Transport and accessibility,
 CP8 - Environment,
 DM1 - General requirements,
 SD1 - Presumption in favour of sustainable development,
 A1 - Parking Requirements,
 A2 - Travel Planning,
 D7 - Design quality,
 D8 - Safety,
 D9 - A Co-Ordinated Approach to Dev and Highway Plan,
 D10 - Dwelling Sizes,
 D12 - Amenity space,
 SP1 - Sustainable development locations,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

This is an outline application so Residential Testing Assumptions used based on 40dph as 35dph advised in application.

Proposed development measures approx. 21,000 sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £1,500,000.00. With index linking this increases to approximately £2,000,000.00.

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	£47,479
Somerset County Council	£11,870

6 Year Payment

Taunton Deane Borough	£284,874
Somerset County Council	£71,218

Determining issues and considerations

The main considerations with this outline are the impact of the development on the design and character of the area and parking.

The site is an existing built up area within the town and as such is a sustainable location for redevelopment in compliance with policy SP1. The scheme is an outline one with everything a reserved matter and so it is the principle of the redevelopment that is being considered. Illustrative plans have been developed to enable the best to be made out of the consideration of the scheme by the Design Review Panel and they have commented and are supportive of the development. The illustrative designs are considered suitable to form the basis of any reserved matters applications and are not considered to be an overdevelopment of the site but a means of making the best use of available land. While the density of housing is increased the impact of this on the character of the area with potential increase of 44 units is not considered to be harmful and is supported in design terms.

The Highway Authority raise no objection to the principle of the scheme and consider the development would not adversely impact on traffic in the area and would be capable of providing the appropriate level of car parking in line with policy. A travel plan will be required and it is considered that this can be a condition of any approval. A suitable legal agreement will be required to deal with any works in the highway and to control future maintenance of any parking areas as well as trees in the highway. The indicative plan indicates a stopping up of parts of the highway and this process would need to be considered as part of any future full or reserved matters application.

An ecological assessment has been submitted with the application and there were no identified impacts on protected species identified and the site is of limited ecological interest. An enhancement of habitats across the site is possible and a condition to address protection and enhancements is recommended by the Biodiversity Officer.

The application site lies within easy walking distance of the existing public park to the south and the Leisure Officer considers that while there is no need for additional space on site a contribution in terms of the potential to upgrade play equipment in the park is required due to the uplift in numbers of dwellings. Consequently an agreement to secure the necessary sum for improved play facilities forms part of the recommendation.

The site is drained by an existing system in terms of foul and surface water drainage and new connections will need to be made. This will be covered by existing legislation. As there will be new dwellings as part of the scheme a suitable means of surface water treatment is required and a condition to address this is considered appropriate. The Environment Agency has withdrawn its initial objection and recommended conditions be imposed, however these are only of relevance to the detailed application.

In summary the principle of the redevelopment of the area as proposed is considered an acceptable one and not to harm the character and amenity of the area or wildlife, flood risk and highway safety and subject to appropriate conditions is recommended for approval.

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

Application No:	3/21/19/078
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Sarah Wilsher
Grid Ref	Easting: 297188 Northing: 145092
Applicant	Mr and Mrs Slader
Proposal	Erection of a single storey extension to the rear elevation
Location	60 Staunton Road, Alcombe, Minehead,, TA24 6EA
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

(A4) Location Plan amended on 24 September 2019
 (A4) Site Plan amended on 24 September 2019
 (A3) Proposed Elevations and Floor Plan (Revision A)

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

- 3 The external finishes of the works hereby permitted (excluding the roof) shall match in material, style, type, size, colour, pointing, coursing, jointing, profile and texture those of the existing building.

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

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

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

- 2 Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.
- 3 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

Proposal

It is proposed to remove the existing upvc conservatory and erect a single storey extension to the rear (north) elevation. This will project 3.25m to the rear and be 4.65m wide, which is the same footprint as the conservatory it will replace. It will be brick built to match the existing dwelling and have a flat GRP roof with two protruding rooflights, making an overall ridge height of 2.8m. Powder coated aluminium bi-fold doors will be installed on the rear elevation.

Site Description

No. 60 is a semi-detached two-storey brick dwelling under a dual-pitched brown concrete tiled roof with flat roofed dormers to the front and rear elevations and upvc fenestration.

Relevant Planning History

None.

Consultation Responses

Minehead Town Council - The Committee can see no material planning reason to refuse this application.

Representations Received

None received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1 Presumption in favour of sustainable development
BD/3 Conversions, Alterations and, Extensions

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

SD1 Presumption in favour of sustainable development
BD/3 Conversions, Alterations and, Extensions

Local finance considerations

New Homes Bonus

Not applicable for a householder application.

Determining issues and considerations

The determining factors for consideration are the affect on the amenities of neighbours and the appearance of the development.

The only neighbours are to the rear and the adjoining side. Due to the large size of the back garden, which is set at a higher level than the house, and the boundary of bushes and hedging there will be no impact on no. 11 Chestnut Way to the north. As no. 58 has a flat roofed extension to the rear and no windows are proposed in the side elevation facing this extension there will be no impact on the adjoining neighbour in terms of overlooking, overbearing or overshadowing.

The proposed extension will be subservient in terms of its height and size and will be in keeping with the dwelling with the same walling material. As a flat roof is considered to have no visual impact the GRP roof is acceptable. Indeed, the adjoining neighbour already has an existing brick built single storey extension with a flat GRP roof. This projects to the rear and eastern side. The proposal will be similar to no. 58's rear element and this will improve the appearance of the north elevations of this semi-detached pair.

Being to the rear of the property the proposed development will not be visible from the highway so there will be no impact on the street scene.

The proposed extension is thus acceptable and in accordance with policy SD1 of the West Somerset Local Plan to 2032 and policy BD/3 of the West Somerset District Local Plan (2006). It is recommended for conditional approval.

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



38/19/0315/LB

GGFF LTD

Various external alterations to the front elevation of 2 Magdalene Lane, Taunton

Location: 2 MAGDALENE LANE, TAUNTON, TA1 1SE

Grid Reference: 322862.124515

Listed Building Consent: Works

Recommendation

Recommended decision: Refusal

Refusal

1 The proposed alterations will have a significant adverse impact resulting in considerable loss of historic fabric and loss of character to the principal elevation of the listed building, contrary to policies CP8 and of the Core Strategy Policy DM1 (d), Policy D4 (D) and Section 16 of the National Planning Policy Framework..

Proposal

The proposal consists of the enlarging 2 no. of the existing four ground floor window openings and installing larger replacement windows and replacing the existing pair of centrally positioned timber front doors with a single leaf glazed door to No.2 Magdalene Lane.

The applicants have submitted the following supporting information :-

The proposed scheme provides minimal intervention on the principle elevation of the listed building and will have little impact on the neighbouring Street scape due to the neighbouring commercial properties already benefiting from larger glazed openings and commercial looking elevations. The introduction of the larger replacement windows will also ensure the long-term commercial future of No.2 Magdalene Lane and create a space fit for its commercial use, giving it a required retail appearance.

It is well documented that retail premises in town centre locations across the country are struggling to survive and the local owner of No.2 Magdalene Lane wishes to improve the commercial viability and appearance of the premises to ensure a long-term future for the Listed portion of Fine Fabrics. The proposed changes are part of the evolution of change required for town centre premises to remain competitive for the retail environment.

Finally, the proposal aims to enhance and protect the existing fabric of the building and the setting through its quality of design, materials and workmanship.

The first floor of the east elevation onto Magdalene Lane will remain unaltered. No alterations are proposed to the layout of the first floor of the building. Materials

The proposed alterations will adopt a palette of materials currently being used within the existing building. This includes metal (powder coated aluminium) replacement windows & door with label mouldings to window heads and moulded Bath Stone dressings.'

Site Description

The site lies within the town centre and on the western side of Magdalene Lane. The building is part of Fine Fabrics to the north, although historically it relates to No.1 to the south.

The list description is as follows: *Former Almshouses erected in 1845. Gothic 2 storey red brick building with ashlar dressings. Left side comes forward slightly. 3 gables with moulded cappings rise into old tile roof. Large central ashlar stack. Linked weathered hoodmoulds run along the front. Original pointed lights to 1st floor (paired to left) and to ground floor on right. 2 moulded pointed doorways under rectangular dripmoulds. Original double doors. NOTE: Designed by Carver and Giles, erected in 1845-6.*

Relevant Planning History

The most recent planning application, was for 'alterations to the window openings (4no.) on the front elevation under application nos. 38/18/0410 & 38/18/0411/LB and was refused 18th December 2018. The refusal reasons was:

The proposed alterations will have an adverse impact on the historic fabric and character of the listed building and will be contrary to policies CP8 and DM1d of the Core Strategy as well as Section 16 of the Planning (Listed Buildings Areas) Act 1990. In light of paragraph 196 of the NPPF, the public benefit is limited here and is not considered to outweigh the harm to the listed building.

Previous planning applications were 'demolition of two storey rear extension and erection of a larger two storey rear extension' under application nos. 38/18/0175 & 38/18/0176/LB and approved on 3rd August 2018 and for the 'change of use of first floor from storage to retail use' under application no. 38/06/0444 and approved on 21st November 2006 - as listed on Somerset West & Taunton Council's website.

Consultation Responses

none

Representations Received

none

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).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
D4 - Shopfronts,
CP8 - Environment,

New Homes Bonus

The development of this site would not result in payment to the Council of the New Homes Bonus.

Determining issues and considerations

The National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment' requires us to assess the impact that development will have on a heritage asset.

In particular Paragraph 192 states:

In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

In particular Paragraph 193 states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly

exceptional.

In particular Paragraph 196 states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policies CP8 and DM1 set out that proposals should not harm Listed Buildings, and the street scene.

Policy D4 states that :- *Proposals for the alteration or construction of shopfronts will be permitted, provided that inter alia :*

D. Where appropriate the scheme preserves and enhances the character and setting of Conservations Areas and Listed Buildings;

It is considered that the proposal will not preserve or enhance the character or setting of the listed building.

In this case it is considered that the proposed changes will cause 'less than significant harm' to the heritage asset within the meaning of the NPPF advice. This is considered to be high end of this category.

A similar proposal was refused consent in 2018. That proposal was to alter all four ground floor window units and to widen the central doorway . This current proposals is to retain the ground floor windows at each end of the elevation and to replace the two other windows and the central door with large glazed units. This will result in the loss of two historic windows and the central doorway together with the stonework around these areas.

The building already has a retail use with an internal link to the building to the north to enhance its usability. A modern two storey extension has also been allowed at the rear of the building to benefit its use. The applicants are making the case for this alteration for reasons associated with commercial viability. However no evidence has been submitted of the consideration of other non retail commercial use that could be compatible with the existing form and appearance of the building.

It is noted that paragraph 19 of the NPPF advises that '*local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality*'. However this proposal is not considered to be consistent with the conservation of the character of this listed building. The historic appraisal submitted with the application also suggests that the building should be regarded as locally listed and not listed as a designated grade 2 listed building for the reason that the building has been much altered internally and at the rear. Factually, this is a listed building and must be treated as such in the consideration of any proposals for works of alteration. It is admitted by the applicant that the works do affect the originally conceived principle elevation.

The proposal will result in significant loss of historic fabric and irreversible change to the character of the this principle public elevation which is special feature in this intimate historic lane where many other building have been much altered and modernised . Those are not listed buildings There is considered to be limited public

benefit from the proposal and the proposed substantial changes to the frontage in my view do not outweigh the high degree of harm.

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

Contact Officer: Paul Dadson

46/19/0025

Mr D SLEIGH

Replacement of single storey side extension with two storey extension at Perrymeade, West Buckland Road, West Buckland

Location: PERRYMEADE, WEST BUCKLAND ROAD, WEST BUCKLAND,
WELLINGTON, TA21 9LH

Grid Reference: 317438.11849 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

(A3) DrNo 1222/002 Block Plan
(A3) DrNo 1222/003 Location Plan
(A3) DrNo 1222/030 Rev B Proposed Ground Floor Plan
(A3) DrNo 1222/031 Rev A Proposed First Floor Plan
(A3) DrNo 1222/041 Rev B Proposed E & W Elevations
(A3) DrNo 1222/042 Rev C Proposed N & S Elevations
(A3) DrNo 1222_A01_190924_Window & timber louvres detail sheet

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

3. A landscaping scheme that has previously been submitted to and agreed in writing with the Local Planning Authority needs to be implemented in the first planting season following the commencement of the development. The scheme shall include details of the species, siting and numbers to be planted to replace, with native species, any and all trees and hedgerows lost prior to, during and as a result of the development.

Reason: To ensure that the proposed development does not harm the

character and appearance of the area.

4. The development hereby permitted shall not be commenced until a Wildlife Survey carried out by a certified Ecologist, has been submitted to and approved in writing by the Local Planning Authority. This should be provided prior to commencement of the works and should include:
 1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development.
 2. Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance.
 3. Measures for the enhancement of places of rest for bats and birds.

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. The extension shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses, if required, have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: A Pre-commencement condition is imposed to establish if there are any protected species at the site and if any such species are found, appropriate mitigating measures can be put in place during the course of the development to protect those wildlife interests.

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. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or

places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

Proposal

Replacement of a single storey lean-to side extension with a two storey pitched roof side extension on the east elevation. To be finished in matching render at ground floor with a natural slate roof and side hung tiles at first floor, with glazed gables to the north and south elevations, obscured at first floor level on the north elevation by vertical timber louvres. The roof ridge to be the same as the existing north facing extension and subservient in height to the original thatched roof. The projection off the north elevation to be approx.2.4 metres which is set back from the existing north facing gable by approx.1.3 metres, projection off the side elevation is approx.5 metres and the extent of the projection to the south is approx.6 metres. The extension would have roughly half the footprint of the existing dwelling.

Site Description

Perrymead is a traditional farm house set into a northern slope of the Blackdowns AONB with wide views north across the Vale of Taunton, in a relatively isolated position. The original thatched farm house is finished in render while the later subservient addition to the east is finished in matching render under natural slate roof tiles. Accessed from the highway by a single track lane, the dwelling is surrounded by fields with boundaries of low fences, mature trees and hedgerows. There are three neighbouring detached dwellings in the vicinity, of differing ages and styles. Greenside is approx 200 metres to the north east, Perry House and Perry Barn are approx.200 metres to the NNE beyond the neighbouring agricultural fields.

Relevant Planning History

None.

Consultation Responses

WEST BUCKLAND PARISH COUNCIL

31 July 2019 - recommend refusal for the following reasons:

The proposal (size, shape, location, materials, layout and colour) is out of keeping with the existing building. The proposed extensions are of a very modern and industrial appearance and would substantially alter the appearance and character of a charming and traditional period cottage;

The proposal does not appear to conform to the Blackdown Hills AONB objective to avoid modern developments;

The immediate proximity to footpaths WG14/30 and WG14/31 and their use by walkers as they approach the building will highlight the stark appearance of the proposed extensions, their obviously modern design and the lack of conformity with other buildings in the AONB;

Whilst the applicant claims that no trees or shrubs will have to be removed or pruned to carry out the proposal the Council feel there is a real risk some will have to be, particularly on the eastern elevation.

The Council has no objection in principle to extensions to the property, which will benefit the owners and increase their living area, but the proposal needs to be more in keeping with the character of the existing building and its position and relationship within the AONB environment. The design and integration of the proposed extensions with the existing structure needs to be better thought out to reduce the impact of its appearance.

BLACKDOWN HILLS AONB SERVICE -

Further comments submitted on 16 Oct 2019 - Thank you for notifying the Blackdown Hills AONB Partnership of amendments to this application. The simpler palette of materials and reduction in scale and extent of extension is welcome in this open and isolated location.

Initial comments submitted on 14 Aug 2019 - Supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape, which is afforded the highest level of protection by national policy. In support of this, the Blackdown Hills AONB Management Plan 2019-2024 is the recently agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policies of particular relevance to development proposals:

Planning and development PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- Respecting landscape character, settlement patterns and local character of the built environment,*
- Being sensitively sited and of appropriate scale,*
- Reinforcing local distinctiveness, and*
- Seeking to protect and enhance natural features and biodiversity.*

Landscape character LC3

Promote high levels of peace and tranquillity with dark night skies by minimising noise, intrusive development and light pollution.

Additionally, the Blackdown Hills AONB design guide for houses provides guidance on how residential buildings, extensions and alterations can be designed to conserve or enhance the distinctive landscape and built character of the Blackdown Hills.

The property is located on the sparsely populated upper slopes of the northern edge of the AONB, where the landscape is open and elevated with extensive views. The local area is also criss-crossed by public rights of way. The AONB Partnership believes that any development proposal in an isolated location such as this requires very careful consideration of landscape and visual impact, and have regard to necessity, siting, scale and design in order to conserve and enhance the natural beauty of the area. Further, the special qualities of the Blackdown Hills landscape are inextricably connected to the built heritage and farming traditions of the area. Traditional domestic buildings, even where not listed, are a vital component of the Blackdown Hills landscape and the scale and form of the existing dwelling is very typical of the Blackdowns.

Every effort should be made to ensure development, alterations and extensions to such dwellings respect their historic and cultural importance to the AONB designation, with detail and design considerations crucial as to whether proposals would conserve or enhance the AONB, in this case by having regard to what extent they would affect the character and appearance of the simple form of the original dwelling. Matters of detail including simplicity of materials, overall sense of scale and massing, external lighting and internal light spill, should all be a key part of considerations to ensure that the proposal would contribute to conserving and enhancing natural beauty and the special qualities of the area.

SWT TREE SPECIALIST

Having looked at the general area, my feeling is that the cherry and sycamore that are apparently to be removed would not merit protection by TPO in that location. I don't think that they can be particularly old or fine specimens, and there are no immediate neighbours that would be affected. Could we have a condition that ensures that two new trees are planted to replace the lost trees, native species, which could be their 'landscape scheme'?

Representations Received

Five neighbour representations were originally received generally in support of an extension, but with concerns about the proposed materials and scale and the impact on the appearance and character of the dwelling and the AONB, the impact on the biodiversity of the site and on the nearby footpath.

Revisions since negotiated with the applicant have now addressed the concerns over the impact of the materials and scale of the extension.

The reconsultation was responded to by one neighbour who commented as follows:

It may be too late by now to comment, but I was very pleased to see that the plans had been revised and that the changes to the original house are now minimal. The proposed extension now blends in much better with its surroundings. My original comments about environmental concerns still stand (some PAs have environmental and biodiversity sections / reports, others don't, I don't understand why) and I hope that they will form part of your considerations.

Conditions have been applied to this recommendation to ensure the protection of

protected species and replacement of any trees and hedgerows lost as a result of the development and advice to the applicant has been added to the recommendation regarding protection of biodiversity and wildlife, prior to and during the build.

The revisions to the scheme are considered to have addressed the objections and enabled a recommendation of approval. A second consultation included the SCC Rights of Way and Bio-Diversity Officers, but responses to these are yet to be received.

Planning Policy Context

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

The development plan for 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.

D5 - Extensions to dwellings,
DM1 - General requirements,
CP8 - Environment,
ROW - Rights of Way,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of 100sqm of residential floorspace or over is CIL liable.
Proposed development creates approx. 110sqm of additional floorspace.

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 £13,750.00. With index linking this increases to approximately £18,500.00.

New Homes Bonus

Not applicable.

Determining issues and considerations

The main issues in the determination of this application are the impact on visual and

residential amenity, wildlife and the landscape, in particular that of the Blackdowns AONB. The policies against which it will be considered are D5 (Extensions to dwellings) of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016 and DM1 (General requirements) and CP 8 (Environment) of the TDBC Adopted Core Strategy 2011-2028.

The impact of both the initially proposed materials and dominance of the proposal have been addressed through negotiation with the Agent. The raised seam metal roofing material has been replaced by natural slate to match the existing, the overall height and volume of the extension have been reduced and the proposed roof ridge now matches that of the existing north gable, which remains as existing with rendered walls and slate roof. The proposed extension is now considered to be subservient in scale and design and does not unacceptably harm the form and character of the existing dwelling and so complies with criteria A of Policy D5.

While the main house and the extension, can be seen from neighbouring houses, it is considered that the impact, as amended in scale and materials by revised plans, has little significant adverse impact on the residential amenity of the occupants of neighbouring dwellings and therefore complies with criteria B of Policy D5.

Since the amendments to the scheme were submitted for consultation the proposal is now deemed acceptable by the AONB who have now commented that:

"the simpler palette of materials and reduction in scale and extent of extension is welcome in this open and isolated location".

It is considered that the amended scheme now respects the landscape character, settlement patterns and local character of the built environment of the AONB by the use of the simpler vernacular materials of render, slate and timber, reinforcing local distinctiveness by giving the appearance from the north of a traditional barn building. In order to seek to protect and enhance the natural features of the landscape the south elevation is nestled into the hillside, farthest away from the access track in the west. Revisions have reduced the height and volume of the extension to a subservience considered to be acceptable. Reduction in the size of the new ground floor north facing fenestration and the use of vertical timber louvres on the north facing glazed gable are considered to be an effective way of keeping light spill at night to a minimum in order to protect the dark skies of the AONB.

As the extension will involve some disturbance of the existing roof and no wildlife survey was submitted with the application, wildlife is given protection by condition and the addition of instruction to the applicant.

Although the application form states no trees are to be affected by the development I have received communication from the SWT Tree Specialist who has been consulted by a tree surgeon regarding trees on the east boundary of the site. Mr Galley recommends that the cherry and sycamore that are apparently to be removed are not particularly old or fine specimens and would not merit protection by TPO in that location. There are no immediate neighbours that would be affected by their loss and a condition is applied to ensure that two new trees of native species be planted to replace the lost trees, and a landscape scheme provided prior to commencement of the works. This recommendation and condition have been added to this report.

There is mention in one neighbour representation from Mr & Mrs Loveridge that the course of the public footpath which formerly ran through the northern garden of the dwelling has now, according to the Location and Site Plans, been diverted around the northern boundary of Perrymead. This is an issue to be resolved between the owners of the dwelling and SCC Rights of Way Officer who was consulted on 7th October and a response is awaited.

In response to neighbour comments received about the footpath to the north of the application site, the following comments and a Footpath Diagram have been received from the Agent:

Following your query regarding the footpath and fence boundary, the application does regularise a small section of fence, straightening out an existing kink, simply to give a buffer of space between the proposals and the field boundary. This should not affect any walkers route around the garden fence to the corner of the field. The footpath runs through the field to the north of the site, which is owned by the applicants to the corner of the field and should not be materially affected in any way by the alterations to the fence line. Not diverting, obstructing or detrimentally affecting the footpath has been a key consideration in the design. The attached aerial screenshot illustrates how the existing footpath route (dashed green line) is totally unaffected by the minor repositioning of the fence (brown). The position of the existing fence is also visible. The proposals have been designed to sit further back than the existing two storey element on the existing house for this reason in particular, along with attempting to reduce the impact of the proposals on the north elevation.

This response is considered to satisfy this query.

As a result of amendments the proposal is now considered to comply with Policy D5 (Extensions to dwellings) in that any adverse impact on the existing dwelling is significantly reduced and the impact on the residential amenity of the occupants of the neighbouring dwellings and the surrounding landscape is not so significant as to warrant refusal. It is found to be sensitively sited away from the entrance in the west, set into the hillside to the south and is subservient in height and volume to the original dwelling. The appearance and character of the landscape, settlement, building and street scene is not so unacceptably harmed by the development as to warrant refusal, in accordance with Policy DM1 d and CP8, and the extension is therefore considered to be acceptable and is recommended for approval.

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

Contact Officer: Mrs M Pike

DECISIONS – 14 NOVEMBER 2019

Site: Lower Tollands, New Road, West Bagborough, Taunton, TA4 3EP

Proposal: Appeal A – Variation of Condition No 7 (stationing and occupation of caravans on site between November and February inclusive) of application 45/14/0004 at Lower Tollands, New Road, West Bagborough

Appeal B – Variation of Condition No 6 (stationing of caravans between November and February inclusive) of application 45/15/0015 at Lower Tollands, New Road, West Bagborough (resubmission of 45/17/0009)

Application number: Appeal A – 45/18/0014
Appeal B – 45/18/0013

Reason for refusal: Appeal A – Allowed
Appeal B - Allowed



The Planning Inspectorate

Appeal Decisions

Site visit made on 1 October 2019

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal A Ref: APP/D3315/W/19/3232618

Lower Tollands, New Road, West Bagborough, Taunton TA4 3EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Ayre against the decision of Taunton Deane Borough Council.
 - The application Ref 45/18/0014, dated 02 November 2018, was refused by notice dated 27 February 2019.
 - The application sought planning permission for change of use of land from horticulture to camping ground with the erection of 2 no. communal shower blocks, 2 no. communal barbeque areas with decking, erection of 3 no. timber pods, 1 no. mobile shepherds hut and creation of access tracks and caravan pitches on Land Off New Road, West Bagborough (as amended) without complying with a condition attached to planning permission Ref 45/14/0004, dated 12 June 2014.
 - The condition in dispute is No 7 which states that: *'No caravans shall be stationed and or stored unoccupied on the site between November and February inclusive.'*
 - The reason given for the condition is: *'To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.'*
-

Appeal B Ref: APP/D3315/W/19/3232615

Lower Toollands, New Road, West Bagborough, Taunton TA4 3EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Ayre against the decision of Taunton Deane Borough Council.
 - The application Ref 45/18/0013, dated 02 November 2018, was refused by notice dated 27 February 2018.
 - The application sought planning permission for alterations to camp site layout to include formation of re-routed and additional trackways, replace eastern tent area with 4 no. seasonal / touring caravan pitches, re-positioning of ablutions block and bar-b-que, erection of 2 no. additional timber pods and erection of sound reducing fencing at Lower Toollands, New Road, West Bagborough without complying with a condition attached to planning permission Ref 45/15/0015, dated 09 March 2016.
 - The condition in dispute is No 6 which states that: *'No caravans shall be stationed and or stored unoccupied on the site between November and February inclusive'*.
 - The reason given for the condition is: *'To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy'*.
-

Decisions

1. **Appeal A** – The appeal is allowed and planning permission is granted for change of use of land from horticulture to camping ground with the erection of 2 no. communal shower blocks, 2 no. communal barbeque areas with decking, erection of 3 no. timber pods, 1 no. mobile shepherds hut and creation of access tracks and caravan pitches (as amended) at Lower Toollands, New Road, West Bagborough, Taunton TA4 3EP in accordance with the terms of the application Ref 45/18/0014 dated 02 November 2018 without compliance with condition No 7 previously imposed on planning permission Ref 45/14/0004, dated 12 June 2014, but subject to the conditions in the attached schedule.
2. **Appeal B** – The appeal is allowed and planning permission is granted for alterations to camp site layout to include formation of re-routed and additional trackways, replace eastern tent area with 4 no. seasonal / touring caravan pitches, re-positioning of ablutions block and bar-b-que, erection of 2 no. additional timber pods and erection of sound reducing fencing at Lower Toollands, New Road, West Bagborough, Taunton TA4 3EP in accordance with the terms of the application Ref 45/18/0013, dated 02 November 2018, without compliance with condition No 6 previously imposed on planning permission

Ref 45/15/0015, dated 09 March 2016, but subject to the conditions in the attached schedule.

Background and Procedural Matters

3. In the interests of brevity, I have removed references to the site address from the descriptions of development in my decisions above.
4. The reason for refusal within both decision notices refers to additional caravans within the site. However, neither proposal would increase the quantum of caravan pitches above that already approved, and I assessed the appeals on that basis.
5. The caravan site at Lower Toollands was created following the granting of planning permission in 2014 under Ref 45/14/0004, and its layout was subsequently altered to increase the quantum of caravan pitches in 2016 under Ref 45/15/0015. Both appeals contain a duplicate condition which precludes the stationing of caravans between the months November and February inclusive. The appellant wishes for both conditions to be removed, which has led to the two appeals at the site. I have considered each on its individual merits. However, given the circumstances, I have dealt with the two appeals together, except where otherwise indicated.

Main Issue

6. The main issue is therefore the effect of removing the respective conditions on the character and appearance of the area, with particular regard to the setting of the Quantock Hills Area of Outstanding Natural Beauty.

Reasons

7. The appeals relate to the caravan site at Lower Toollands, which occupies a rural location to the south of the settlement of West Bagborough. It contains camping and caravan pitches, camping pods and ancillary structures and has planning permission to operate on a seasonal basis, with a close season between November and February. The surrounding area is characterised by

attractive open farmland interspersed by farmsteads, settlements and other groupings of buildings. The Quantock Hills Area of Outstanding Natural Beauty (the AONB) is located approximately 400m to the north of the appeal site.

8. Lower Toollands is enclosed by significant tree and vegetation lined boundaries to the west, south and east. When seen in limited and filtered views through these boundaries, the existing caravan site is read within the context of the substantial group of two storey holiday lets at 'The Coombes', which are immediately adjacent the site to the north. The caravan site is also experienced in conjunction with the appellant's two-storey dwelling at Lower Toollands. These factors lead the caravan site to have a very limited visual effect within the landscape.
9. The Council considers that tourism facilities and caravans are not commonplace, and particularly unexpected during the winter months. However, the evidence before me indicates that tourism is an established industry within the area and, in addition to the appeal site, there are other tourism sites within the vicinity. This includes the site at Quantock Orchard, which contains permanently sited static units and also bounds the A358, close to the AONB. As such, I find that caravan sites and movements are a recognised and continuous feature of this rural landscape.
10. That is not to say that such development should not be appropriately placed, as, when poorly sited, generically designed caravans can appear harmfully strident. In this case, the caravans and associated trappings would be present on-site during winter months, when the effectiveness of the natural screening is reduced. Consequently, they would be more visible from the elevated positions of the PROW, the rural lane to the south and east, and in the more distant views from around the vehicular entrance to the farm at Crossways and from within the AONB to the north.
11. However, views from the PROW would still be filtered to an extent by the bare trees and vegetation and would be further screened by the landscaping scheme which accompanies the appeals. The additional landscaping can be secured by condition. Views from around Crossways and within the AONB would be at such a distance that the limited number of caravans that would be visible would be a small and largely inconsequential feature within the landscape.
12. Furthermore, the caravans would continue to be experienced within the immediate context of, and in clear subservience to, the adjacent larger buildings, particularly those which form The Combes. Any light emitted from the caravans during hours of darkness would be seen within the context of the light pollution that would be generated by these existing buildings. Given the circumstances, I find that the extended presence of caravans within the site would not appear incongruous within this landscape. In addition, having regard to my duties in this respect¹, I find that there would be no harm to the nearby AONB, the natural beauty of which would be conserved.
13. I therefore conclude that the proposals would have an acceptable effect on the character and appearance of the area, with particular regard to the setting of the Quantock Hills Area of Outstanding Natural Beauty. The proposals would accord with the visual amenity aims of Policies DM1 and CP8 of the Taunton Deane Core Strategy 2011-2018 (adopted 2012) and Policy SB1 of the Site

¹ Section 85 of the Countryside and Rights of Way Act 2000

Allocations and Development Management Plan (adopted 2016). I also find no conflict with the cited guidance within the Quantock Hills AONB Management Plan 2019-2024 and the National Planning Policy Framework.

Other Matters

14. Although I note representations regarding the potential static and full-time residential occupation of the pitches, the original planning permissions include respective conditions which restrict the site to tourism use. I appreciate that extending the open season of the site would lead to more prolonged views of the caravans from private dwellings, and logically increase the potential for noise and disturbance. However, there is no substantive evidence before me that the proposals would unacceptably affect the living conditions of neighbouring occupants. Although it has been suggested that the schemes would negatively affect the economy, I find it more likely that extending the tourism offer at the site would deliver modest economic benefits.

Conditions

15. In the event that I was minded to allow either appeal, the Council requested conditions to be applied, which I have assessed with regard to the tests set out in the Framework and the advice of the Planning Practice Guidance. I have amended them where appropriate for the sake of clarity and precision.
16. Although not suggested by the Council, conditions requiring compliance with the approved plans are necessary in the interest of certainty. This includes the lighting plan originally set out in regard to Ref 45/14/0004 in relation to Appeal A. Conditions are required on both appeals to ensure that the approved quantum of tourism units within the site remain in tourism use. In the interest of highway safety, it is essential that the site access remains to its approved specification. To safeguard the character and appearance of the area, conditions are required to restrict the erection of means of enclosure and ensure that the identified landscaping is delivered and retained.

Conclusion

17. For the reasons outlined above, and taking all matter raised into account, I shall allow both appeals.

Matthew Jones

INSPECTOR

Appeal A – Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: TJA-2-01, TJA-2-02c, TJA-2-03f, TJA-S-01b, TJA-S-02a, TJA-S-03b, TJA-S-04c, TJA-S-05.
- 2) The caravans, timber pods and shepherds hut shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence. The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual caravans, timber pods and the shepherds hut on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.
- 3) No other caravans, motorised accommodation, timber pods or shepherds huts, other than twelve touring caravans, three timber pods and one shepherds hut shall be positioned on the site hereby permitted at any one time and these shall be positioned within the areas identified on the approved plan.
- 4) There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 43 metres to the south of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.
- 5) No lights other than those shown on the approved plan TJA-2-03f shall be installed on site without the further grant of planning permission.
- 6) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no gates, fences, walls or other means of enclosure, other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.
- 7) Within three months of the date of this decision details of landscape works shall have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details by the end of the first planting season following approval of the details. Any tree or shrub which, within a period of 5 years from the date of the permission dies, becomes damaged or diseased shall be replaced by others of a similar species.

Appeal B – Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: TJA-3-15-02, TJA-3-15-01B.
- 2) The four seasonal/touring caravan pitches and two timber pods hereby approved shall only be occupied for holiday purposes and shall not be occupied as a person's sole or main residence. The site operator or owner shall maintain an up to date register of names of all owners/occupiers of individual caravans and timber pods and of their main addresses and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.
- 3) The existing visibility and the main site entrance shall have no obstruction to visibility greater than 900mm above the adjoining road level when drawn 2.4m back from the carriageway edge on the centre line of the access extending on the nearside carriageway edge for a distance of 43m to the south of the access and retained thereafter.
- 4) No external lighting should be directed towards any tree or hedge lines.
- 5) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 no gates, fences, walls or other means of enclosure shall be carried out without further grant of planning permission.
- 6) Within three months of the date of this decision details of landscape works shall have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details by the end of the first planting season following approval of the details. Any tree or shrub which, within a period of 5 years from the date of the permission dies, becomes damaged or diseased shall be replaced by others of a similar species.

APPEALS RECEIVED – 14 NOVEMBER 2019

Site: Holiday Units at Pipistrelle House, Smeatharpe Road, Churchstanton, Taunton, Honiton, EX14 9RE

Proposal: Variation of Condition No 07 (restriction of letting period) to allow for the 3 No units to be residential at Pipistrelle Holiday Units, Smeatharpe (retention of works already undertaken)

Application number: 10/18/0033

Appeal reference: APP/W3330/W/19/3237811

Enforcement Appeal:

Site: Pitpear Farm, Pitpear Lane, Lydeard St Lawrence, Taunton, TA4 3RA

Proposal: Erection of stable block with change of use of land from agricultural to equestrian and formation of parking at Pitpear Farm, Pitpear Lane, Lydeard St Lawrence (retention of works already undertaken)

Application number: 02/18/0009

Appeal reference: APP/W3330/W/19/32393291

Enforcement Appeal:
