

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool on 10 October 2018 at 6.15 pm.

Agenda

- 1 Apologies.
- 2 Minutes of the previous meeting of the Planning Committees held on the 18 July and 15 August 2018 (attached), 12 September (to follow). (Pages 5 - 18)
- 3 Public Question Time.
- 4 Declaration of Interests.

To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors or Town or Parish Councillors will automatically be recorded in the minutes.
- 5 06/17/0033 (Pages 19 - 56)

Erection of 173 No. dwellings (to include 25% affordable dwellings) with associated car parking, access, public open space, landscaping, drainage and infrastructure and outline consent for the provision of a care home (Class C2) on land at Taunton Road, Bishops Lydeard
- 6 20/18/0018 (Pages 57 - 66)

Erection of 1 No. detached dwelling with associated works on land at Copper Hill, Lodes Lane, Kingston St Mary (resubmission of 20/17/0018)
- 7 31/18/0010 (Pages 67 - 70)

Erection of two single storey extensions at the rear of 21 Woodlands Drive, Ruishton
- 8 36/17/0028 (Pages 71 - 78)

Change of use of public house and curtilage to 1 No. residential dwelling at Rose and Crown Inn, Woodhill Road, Stoke St Gregory

- 9 38/18/0165 (Pages 79 - 86)
- Variation of condition 03 (occupation of annexe by seasonal farm workers) of planning approval 38/11/0687 at Cutliffe Farm, Sherford.
- 10 43/15/0006 (Pages 87 - 100)
- Demolition of Mill Building and erection of 8 No. dwellings with associated access and landscaping at Haymans Mill, Payton Road, Westford, Wellington (revised scheme to 43/14/0053)
- 11 Latest appeals and decisions received (Pages 101 - 122)

Bruce Lang
Assistant Chief Executive

2 October 2018

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 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman 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 Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council's Planning Committee and details of the "rules" which apply at these meetings can be found in the leaflet "Having Your Say on Planning Applications". A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

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, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



The meeting rooms at both Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



An induction loop operates at Shire Hall to enhance sound for anyone wearing a hearing aid or using a transmitter.

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Planning Committee Members:

Councillor R Bowrah (Chairman)
Councillor M Hill (Vice-Chair)
Councillor J Adkins
Councillor M Adkins
Councillor W Brown
Councillor S Coles
Councillor J Gage
Councillor C Hill
Councillor S Martin-Scott
Councillor I Morrell
Councillor S Nicholls
Councillor J Reed
Councillor N Townsend
Councillor P Watson
Councillor D Wedderkopp

Planning Committee – 18 July 2018

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs J Adkins, M Adkins, Brown, Coles, Floyd, Gage,
Morrell, Nicholls, Mrs Reed, Townsend and Watson

Officers: - Bryn Kitching (Planning Manager), Keith Binds (Temporary Planning Officer), Martin Evans (Solicitor, Shape Partnership Services) and Tracey Meadows (Democratic Services Officer)

Also present: Councillors Berry, and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

50. Apologies/substitutions

Apologies: Councillors C Hill and Wedderkopp

Substitution: Councillor Mrs Floyd for Councillor Wedderkopp;

51. Minutes

The minutes of the meeting of the Planning Committee held on 25 April, 23 May 2018 were taken as read and were signed.

52. Declarations of Interest

No further declarations of interest were declared.

53. Applications for Planning Permission

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

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

24/17/0061

Erection of an agricultural building for the storage of grain with formation of access on adjacent to Stonehead Hill, Wrantage

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

- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo Sht-02A Block Plan;
 - (A1) DrNo Sht-01C Proposed Elevations and Floor Plan;
 - (A1) DrNo Sht-03B Elevations from Highway;
- (c) Prior to the building hereby approved being brought into use the access to the site shall be provided in accordance with the approved plans. The access shall thereafter be retained in the approved form;
- (d) (i) A landscaping scheme shall be submitted to, and approved in writing by, the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;
- (e) 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;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had negotiated amendments to the application to enable the grant of planning permission.)

30/18/0002

Erection of a detached dwelling with associated works to include a change of use of part of the agricultural field to domestic garden on land to the rear and side of The Stonehouse, Sellicks Green, Pitminster (amended scheme to 30/16/0029)

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 1514-PL01B Site Location Plan;
 - (A3) DrNo 1514-PL02A Site Survey;

- (A4) DrNo 1514-PL1801A Site Layout & Block Plan Site Layout Block Plan;
- (A3) DrNo 4130 Rev A Proposed Site Access;
- (A3) DrNo 1514-PL1801 Ground Floor Plan;
- (A3) DrNo 1514-PL1803 First Floor Plan;
- (A3) DrNo 1514-PL1804 Section (East/West);
- (A3) DrNo 1514-PL1805 Detail Section (East/West);
- (A3) DrNo 1514-PL1806 West and North Elevations;
- (A3) DrNo 1514-PL1807 East and South Elevations;
- (A3) DrNo 1514-PL1808 Roof Plan;
- (A3) DrNo 1514-PL01C Site Location Plan;
- (A3) DrNo 1514-PL1801A Site Layout & Block Plan;
- (A3) DrNo PL1802A Ground Floor Plan;
- (A3) DrNo 1514-PL1806A West & North Elevations;
- (A3) DrNo 1514-PL1807A East & South Elevations;

- (c) No construction of the exterior of the dwelling shall take place until samples of the materials to be used in the construction for the external surfaces of the development hereby permitted have been submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above;
- (d) (i) Before the dwelling hereby approved is occupied, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees 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 the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The area allocated for parking on the submitted plans shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (f) The parking space hereby permitted shall be surfaced in permeable materials (not loose stone or gravel) and provision shall be made for the disposal of surface water within the site in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be retained as such;

- (g) The applicant shall undertake all the recommendations made in Richard Green's Ecological assessment report dated January 2016, and provide mitigation for bats as recommended. 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 development shall not be occupied until the scheme for the maintenance and provision of the new bat roosts and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (h) Prior to the commencement of development, other than demolition, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:
- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site; (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11' and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to, and approved in writing by the Local Planning Authority; (c) If the report indicates that remedial works are required, full details shall be submitted to, the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;
- (i) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), there shall be no addition or extension to the building without the further grant of planning permission;
- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), there shall be no further building, structure or other enclosure constructed or placed on the site without the further grant of planning permission;

- (k) The bathroom window in the first floor southern elevation shall be glazed with obscure glass to a height to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission;
- (2) That **planning permission be refused** for the under-mentioned development:-

44/18/0002

Demolition of garage and side extension with erection of 1 No. attached dwelling with associated works to the side of Jessamine Cottage, The Holloway, Holywell Lake, Wellington

Reasons

1. The proposed new dwelling would be located outside of development limits and is therefore classed as being located in Open Countryside, where new residential development is not supported and the Local Planning Authority resists the development of land for 'open market' housing. The dwelling would be remote from local facilities and services, fostering the growth in the need to travel and representing an unsustainable form of development. The proposal is therefore contrary to policies SP1 and DM2 of the adopted Taunton Deane Core Strategy and policy SB1 of the adopted Taunton Deane Site Allocations and Development Management Plan (December 2016). There is considered to be no reasonable justification to allow for a departure from policy in this instance;
2. This proposal is considered to harm the character and appearance of the area and on the street scene by introducing a new semi-detached property into a predominantly detached area of the hamlet which would have a detrimental impact. The design of the new dwelling is not in keeping with the adjoining Jessamine Cottage in terms of the arrangement of the new window openings and lack of entrance on the principle road elevation. For these reasons it is considered that the proposal does not accord with local policies DM1, DM2 and CP8 of the Taunton Deane adopted Core Strategy;
3. The Local Planning Authority considers that the proposal as submitted demonstrates a lack of parking provision and the arrangement of the parking spaces together with the lack of visibility with the adjoining busy road, it is considered that the proposal is not acceptable in terms of Highway safety in terms of a danger to both pedestrians walking along the road and in terms of vehicular parking and therefore the scheme is contrary to local policies DM1, of the adopted Core Strategy and policy A1 of the adopted SADMP and also fails to meet the requirements of Section 4 of the National Planning Policy Framework (NPPF);

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council worked in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

54. Appeals

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

(The meeting ended at 8 pm)

Planning Committee – 15 August 2018

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs J Adkins, M Adkins, Brown, C Hill, S Martin-Scott,
Mrs Reed, Townsend, Watson and Wedderkopp

Officers: - Tim Burton (Assistant Director Planning and Environment), Gareth Clifford (Planning Officer), Nick Hill (Solicitor, Shape Partnership Services) and Tracey Meadows (Democratic Services Officer)

Also present: Councillors Berry, Mrs Warmington and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

55. Apologies/substitutions

Apologies: Councillors Coles, Morrell and Nicholls

Substitution: Councillor Booth for Councillor Coles

56. Minutes

The minutes of the meeting of the Planning Committee held on 20 June 2018 were taken as read and were signed.

57. Declarations of Interest

All Councillors declared that they had received correspondences from Churchill Homes and Town and Country Planning Ltd.

58. Applications for Planning Permission

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

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

07/18/0009

Erection of extension to commercial property, erection of detached storage unit, change of use of land from agricultural to yard (Use Class B1/B2) and change of use of yard (Use Class B1/B2) to agricultural at Hele Manor Farm, Hele Road, Bradford on Tone

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 18-16.04 Proposed Store unit Plan and Elevations;
 - (A1) DrNo 18-16.03 Proposed Extension Plan and Elevations;
 - (A2) DrNo 18-16.01B Location and Block Plan;
- (c) Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development plus details of the height of the proposed bund, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (d) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Harcombe Environmental services Ltd.'s Ecological survey and assessment report, dated April 2018 and include:
- Details of protective measures to avoid impacts on habitats during all stages of development;
Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance
Measures for the retention and replacement and 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 and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented;
- (e) The units hereby permitted shall not be occupied until the agreed number of parking spaces for the units have been provided the position as shown on the submitted drawing. No. 18-16.01B. The agreed spaces and access shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access;
- (f) 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 works commence on site and thereafter maintained at all times;

- (g) The use shall be as workshops, storage for agricultural machinery/ vehicle repairs, plus construction and delivery/storage of shepherds huts, B1, B2 and B8 only and for no other purpose without the prior written consent of the Local Planning Authority;
- (h) No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holidays or other than between the hours of 0730 and 1900 hours on weekdays;
- (i) No refuse or waste materials shall be disposed of by burning on any part of the site;
- (j) Noise emissions from the workshops and from any part of the land or premises to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 2 Mina Leq, between the hours of 0800 to 1800 Monday to Friday and 0800 and 1300 on Saturdays when measured at any point 1.5 metres from any residential or other noise sensitive boundary. Noise emissions having tonal characteristics, e.g. hum, drone, whine, etc., shall not exceed background levels at any time, when measured as above. At all other times including Sundays and Bank Holidays, noise emissions shall not exceed background levels when measured as above. For the purposes of this permission, 'background levels' shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
- (k) The height of any external storage shall not exceed the maximum of 3m as shown on the area of Block Plan drawing 18-16.01B hereby approved;
- (l) (i) A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;
- (m) Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall: (i) provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the

site; (ii) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11' and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to, and approved in writing by, the Local Planning Authority; (iii) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;

- (n) The development hereby approved shall not be occupied or the use commenced until space has been laid out, drained and surfaced within the site for the turning of HGV vehicles using the site, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority, and such turning area shall thereafter be kept clear of obstruction;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission; (2) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.)

11/18/0007

Change of use from mixed C3 and Holiday let to Sui Generis (Holiday lets) at The Stables, The Byre and Sunset, Penbridge Court, Trebles Holford Road, Combe Florey (retention of works already undertaken)

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) DrNo Location Plan;
 - (A4) DrNo Site and Floor Plan;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.)

46/18/0007

Erection of agricultural building for lambing, storage of machinery and fodder, erection of hay barn and siting of caravan at Moonview, Manleys Farm, Calways Lane, West Buckland (part retention of works already undertaken)

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo AC23/1A Location Plan;
 - (A3) DrNo AC23/2B Site Plan;
 - (A4) DrNo AC23/4 Proposed Floor Plans;
 - (A3) DrNo AC23/2D Plan of Proposals;
 - (A3) DrNo AC23/3A Proposed Elevations;
- (c) (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority within six months of the date of this approval. The scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season following the granting of the approval; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;
- (d) The caravan shall not be used for overnight occupation except during the lambing season; The caravan shall not be used for a permanent residential dwelling without further consideration and approval by the Council;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.)

(2) That **planning permission be refused** for the under-mentioned development:-

Erection of 72 No. apartments for the elderly, guest apartment, communal facilities, access , car parking and landscaping at former Lidl site, Wood Street, Taunton

Reason

The proposed development by reason of its design and mass will detract from the character of the area in terms of the river frontage and the road frontage and the latter will be dominated by car parking provision detracting from the setting of the building. The scheme is not considered of a sufficiently high quality for such a predominant site in Taunton's townscape, is not supported by the Design Review Panel and would be contrary to advice in the NPPF (para 129), the Taunton Town Centre Design Code SPD and policies DM1d of the Core Strategy and D7 of the Site Allocations and Development Management Plan

59. Erection of single storey extension to the rear of The Shippen, Burnworthy Mews, Churchstanton (10/18/0020)

Reported this application.

Resolved that subject to no representations raising new issues by the 20 August 2018 the matter be delegated to the Assistant Director Planning & Environment to determine.

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

- (A3) DrNo 17-91-08 Location Plans;
- (A2) DrNo 17-91-11 Building as Proposed;
- (A2) DrNo 17-91-12 Block Plan & Site Plan;

Reason for granting permission contrary to the recommendation of the Planning Manager :- The Committee considered that the proposed extension be reason of its size, position and design would not have a detrimental impact on the architectural integrity and traditional character of the existing dwelling and its rural setting within the Area of Outstanding Natural Beauty and would not detract from the visual amenity of the locality and therefore would not be contrary to policies DM1d and CP8 of the Core Strategy, policy D5A of the

Site Allocations and Development Management Plan and policy PD1/B of the Blackdown Hills AONB Management Plan 2014-2019.

60. Erection of 1 No. bungalow in the garden and formation of parking to serve both houses at 50 Northgate, Wiveliscombe (49/18/0010)

Resolved that the application be withdrawn from the committee for further consultation.

61. Appeals

Reported that two appeals had been received details of which were submitted.

(The meeting ended at 8:50 pm)

06/17/0033

DAVID WILSON HOMES SW

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

Location: LAND AT TAUNTON ROAD, BISHOPS LYDEARD, TAUNTON

Grid Reference: 317097.128749

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Subject to a Section 106 agreement to secure affordable housing, a travel plan, off-site highway works and maintenance of the public open space

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 0640-245 Plans & Elevations Plot 106

(A3) DrNo 0640-244 Plans & Elevations 6-11, 33-36, 93 & 94

(A3) DrNo 0640-243 Plans & Elevations Plot 4, 5, 12, 13, 43, 88-92, 95-99, 105, 107 & 108

(A3) DrNo 0640-242 Plans & Elevations 163 & 166

(A3) DrNo 0640-241 Plans & Elevations Plot 164 & 165

(A3) DrNo 0640-937 Plans & Elevations Plot 111

(A3) DrNo 0640-936 Plans & Elevations Plots 6-11, 34-37, 98 & 99

(A3) DrNo 0640-935 Plans & Elevations Plots

4,5,12,13,44,93-97,100-104,110, 112 & 113

(A3) DrNo 0640-934 Plans & Elevations 160 & 163

(A3) DrNo 0640-933 Plans & Elevations Plots 161 & 162

(A3) DrNo 0640-932 Plans 40-43

(A3) DrNo 0640-931 Elevations 40-43

(A3) DrNo 0640-930 Plans & Elevations 38,39,114 & 115

(A3) DrNo 0640-929 Plans Plot 46,58 & 76

- (A3) DrNo 0640-928 Elevations Plots 50 & 58
- (A3) DrNo 0640-927 Elevations Plots 46 & 76
- (A3) DrNo 0640-926 Plans & Elevations Plots 47,74 & 153
- (A3) DrNo 0640-925 Plans & Elevations Plot 135
- (A3) DrNo 0640-924 Plans & Elevations Plots 22,66,73,121 &141
- (A3) DrNo 0640-923 Plans Plot 45,120,132 & 144
- (A3) DrNo 0640-922 Elevations Plot 132
- (A3) DrNo 0640-921 Elevations Plot 144
- (A3) DrNo 0640-920 Elevations 45 & 120
- (A3) DrNo 0640-919 Plans & Elevations 60,69,72 & 125
- (A3) DrNo 0640-918 Plans & Elevations 52 & 78
- (A3) DrNo 0640-917 Plans & Elevations 56,57,67,89,123,138,142 & 143
- (A3) DrNo 0640-916 Plans & Elevations Plots
14,15,23-25,55,59,84,122,136,146 & 150
- (A3) DrNo 0640-915 Plans & Elevations Plot 1
- (A3) DrNo 0640-914 Plans & Elevations Plots 75,90,145, 147, 159 & 172
- (A3) DrNo 0640-913 Plans & Elevations 27 & 65
- (A3) DrNo 0640-912 Plans & Elevations Plots 109, 124 & 151
- (A3) DrNo 0640-911 Plans & Elevations 28,51,63,64,68 & 88
- (A3) DrNo 0640-910 Plans & Elevations 19,26,70,71,77,137 & 152
- (A3) DrNo 0640-909 Plans & Elevations 29,154,157 & 158
- (A3) DrNo 0640-908 Plans & Elevations Plots 168-171
- (A3) DrNo 0640-907 Plans & Elevations Plots
2,3,17,18,20,21,30,31,61,62,81,82,91,92,107,108,116-119,128-131,139,140,1
48 & 149
- (A3) DrNo 0640-906 Plans & Elevations Plots 53,54,86 & 87
- (A3) DrNo 0640-905 Plans & Elevations Plots 32, 33, 79, 80 105,106,
126,127, 133,134,155,156, 166&167
- (A3) DrNo 0640-904 Plans & Elevations Plot 83
- (A3) DrNo 0640-903 Plans & Elevations 16 & 85
- (A3) DrNo 0640-902 Plans & Elevations 165 & 173
- (A3) DrNo 0640-901 Plans & Elevations plot 164
- (A3) DrNo 0640-900 Plans & Elevations plots 48 & 49
- (A3) DrNo 0640-HTB-Issue 3 Housetype Booklet

- (A0) DrNo GL0616 07 Soft Landscape Proposals 5/5
- (A0) DrNo GL0616 06 Soft Landscape Proposals 4/5
- (A0) DrNo GL0616 05 Soft Landscape Proposals 3/5

- (A0) DrNo GL0616 03 Soft Landscape Proposals 1/5
- (A1) ES017-ES-00 XX GA C 0531 Rev P1 Drainage Layout for Planning
Sheet 2 of 2
- (A1) ES017-ES-00 XX GA C 0530 Rev P1 Drainage Layout for Planning
Sheet 1 of 2
- ES017-ES-00-XX-GA-C-0601REV P1 Finished Floor Levels
- ES017-ES-00-XX-GA-C-0600REV P1 Finished Floor Levels
- (A3)0750-016 RevH Site Access Layouts
- (A3)0750-017 RevH Site Access Layouts
- (A3)0750-018 RevH Site Access Layouts

- (A0) DrNo 0640-110 RevB Building Heights Layout
- (A1) DrNo 0640-109 RevB Garages

(A1) DrNo 0640-108 RevC Materials Layout
(A0) DrNo 0640-107 RevB Adoption Plan
(A3) DrNo 0640-106 External Detailing

(A1) DrNo 0640-103 RevB Street Scenes
(A0) DrNo 0640-102 RevC Planning Layout
(A1) DrNo 0640-101 Location Plan

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

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

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

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

4. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site

must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with the National Planning Policy Framework, including the Technical Guidance to the National Planning Policy Framework (March 2015).

5. Prior to the construction of the dwellings above dpc 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. A sample panel of any brick or stone walling shall be constructed on site and agreed in writing by the LPA. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

6. 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 Ecology solution ltd.'s submitted report, dated September 2107 and include:
 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for the species
 4. A 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 bat, and bird boxes and related accesses have been fully implemented

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

Reason for pre-commencement: To ensure no wildlife are harmed during construction.

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

Reason: To ensure the preservation of archaeological remains.

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

8. No more than 20 dwellings shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the works condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: To secure preservation of the County's heritage.

9. A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detail and siting of equipment shall be agreed in writing by the Local Planning Authority. This area shall be laid out to the satisfaction of the Local Planning Authority within 12 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.

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

10. A phasing plan for the site shall be submitted to and approved in writing by the Local Planning Authority and any variation to the phasing shall be agreed in writing by the LPA prior to it being carried out.

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

11. Construction work on any dwelling shall not commence until the improvement to the Taunton Road/A358 junction and the highway re-alignment works to the

Taunton Road shall be carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and be fully implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development secures the necessary highway safety improvements.

12. No dwelling to the south of Taunton Road shall be occupied until a pedestrian crossing of the road has been fully installed.

Reason: In the interests of highway safety.

13. There shall be no occupation of the dwellings until the traffic calming, new footway provision and new accesses on Taunton Road are completed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

14. 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 and thereafter maintained at all times.

Reason: In the interests of highway safety.

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

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

16. Details of the cycleway and footpath connections for each phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the phase concerned and thereafter so provided.

Reason: In the interests of sustainable development.

17. Details of the street lighting to the relevant phase of development shall be submitted to and approved in writing by the Local Planning Authority and

installed prior to occupation of housing in that phase.

Reason: In the interests of highway safety.

18. Each dwelling prior to its occupation shall be provided with access to a 16 amp electric vehicle charging point.

Reason: In the interests of sustainable development.

19. Secure cycle storage facilities of one space per bedroom shall be fully provided prior to the occupation of each dwelling, 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.

20. Detail of the public art element to be designed into the public realm of the site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter be provided on site prior to occupation of the 90th dwelling.

Reason: To ensure public art is designed into the scheme in accordance with policy DM4.

21. Details of the design and finishes to the new electricity sub-station shall be submitted to and approved in writing by the Local Planning Authority prior to its construction.

Reason: In the interests of the visual amenity of the area.

22. Details of the surface treatment to the traffic calming features along Taunton Road shall be submitted to and approved in writing by the Local Planning Authority prior to their being installed.

Reason: In the interests of the character of the area.

23. (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development subject to any approved phasing plan.

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

replaced by trees or shrubs of similar size and species.

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

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
3. 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 bats, reptiles, dormice, badgers and birds will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development.

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

Proposal

The proposal is for the erection of 173 dwellings with car parking, access, drainage and open space and the outline provision of a care home on land off Taunton Road, Bishops Lydeard. The development includes 43 affordable units and 130 open market units including 3, 4 and 5 bedroom properties. Overall there are 4 x 5bed units, 68 x 4bed units, 70 x 3bed units, 23 x 2beds and 8 x 1 bed flats.

The application is accompanied by a Planning Statement, Affordable Housing Statement, Transport Assessment, Travel Plan, Noise Assessment Report, Arboricultural Report, Drainage Strategy Statement, Archaeological Evaluation, Flood Risk Assessment, Geophysical Survey Report, Employment Land Statement, Ecological Assessment, Desk Study and Ground Investigation Report, Statement of Community Involvement, Design and Access Statement, and Topographical Survey.

Site Description

The application site lies to the south-east of Bishops Lydeard. Part of the site lies to the south of Taunton Road, opposite Kings Yard and Webbers, partly abutting the A358 to the south and separated from Brendons by an area of land, for which planning permission has already been granted for residential development. The remainder of the site lies to the north of Taunton Road, abutting Hither Mead to the west and farmland to the east.

Relevant Planning History

None

Consultation Responses

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL -

The application fails to meet the aspirations of the Bishops Lydeard and Cothelstone Parish Council Neighbourhood Plan in that the Parish Council would wish to see:

- A reduction in the number of dwellings to a number much nearer to 150.
- An increase in the number of bungalows – currently only 4 out of 173.
- Greater use of local sandstone on exteriors rather than red brick to reflect the local vernacular.
- A re-design of the location of the plots nearest to Spinneyfield – in particular, to remove plot 47 from its close proximity.
- An alteration to the road layout within the development to create more of a village atmosphere, for example by the use of curves and generally in line with the TPA recommendations.
- The use of terraced houses along Taunton Road opposite Kings Yard.
- Improvement to the junction of Taunton Road and the A358 including the provision of lighting.
- Speed restrictions on the A358 on the approaches to the above junction.
- Reduction in the number of accesses on to Taunton Road and, in particular, the abandonment of the first turning from the A358 junction on the right-hand side.
- A 20mph speed limit along the whole of Taunton Road.
- The Council believes that incorporating the above proposals would ensure that the proposed development is integrated with the rest of the village to match the aspirations of the Neighbourhood Plan.

The Parish Council is unable to support this application in its present format.

COMMENT ON AMENDED PLANS

The submission which follows is sent under protest for the following reasons:

1. On 23 August last, the Parish Council submitted a request that this application be considered at the November planning committee date as opposed to the October date as the latter clashed with the Parish Council's meeting on the same date. Clearly, members will wish to attend the planning committee date and speak. The Case Officer at TDBC refused the application by email dated 25 September.

2. There has been little or no consultation with the Parish Council by either the applicant or TDBC. For example, the applicant's representatives met with the Parish Council's Working Party Group (a committee of four parish councillors charged with advising and making recommendations to the Parish Council as a whole) on the 28th June to explain the extent of their amended application and submitted it to TDBC a few days later as a fait accompli.

3. Undue pressure has been exerted upon the Parish Council to submit this response to the applicant's amended application. The applicant was allowed some six months within which to make the amended application. However, the Parish Council, without the benefit of professional experts such as employed by the applicant and TDBC, is put under pressure to submit a response within half the time given to the applicant.

4. SCC Highways eventually filed their comments just over three weeks ago. It would seem, at first sight, that none of the Parish Council's comments have been taken on board apart from those relating to the junction of Taunton Road and the A358. SCC Highways have clearly indicated that they are open to further discussion on the issues of concern prior to any planning permission being granted. TDBC's insistence that this application must be considered by its planning committee on the 10th October obviously precludes any such discussion.

This submission is supplemental to that made by the Parish Council at the end of last year. The amended application continues to fail to meet the aspirations of the Parish Council in that:

- There should be a substantial reduction in the number of dwellings now that 0.9 of an acre is being set aside for other uses, to reflect the mix of housing in the original application.
- There should be an increase in the number of bungalows – previously 4 but now only increased to 6 out of 173 dwellings. Whilst there has been a redesign of the plots nearest to Spinneyfield, this has merely resulted in the two additional bungalows being substituted for two 2-storey houses.
- The design of the dwellings fails to adhere to the Parish Council's Neighbourhood Plan.
- The Parish Council continues to have very considerable reservations as to road layout, the lack of speed restrictions, the number of accesses onto Taunton Road with particular reference to the first turning from the A358 junction on the right hand side. The introduction of islands at the junction of Taunton Road and the A358 is welcome.
- The idea of coloured road surfaces along Taunton Road is appalling and quite out of keeping for a village environment. The much better alternative is block paving similar to that at Cotford St. Luke but not necessarily raised.
- The land set aside for a proposed care home is only acceptable if the care home use is secured by a binding legal agreement that it would not be changed without the consent of the Parish Council.

- The application fails to take account of policy H3 in so far as it relates to consideration being given to the possible provision of skate park and other facilities for young people.

JUSTIFICATION

The Parish Council had hoped that the amended planning application would have taken due note of at least some of the concerns expressed in its original submission.

Sadly, it seems that there has been token recognition at best. The Parish Council's greatest concerns relating to the amended application relate to density, design and road layout and each of these is now considered in detail.

DESIGN and DENSITY

The Core Strategy in its Vision for Rural Areas states that "Development will protect and enhance the local character and distinctiveness of high quality built and natural environment" – p.71.

Policy SP4 states that "In realising the vision for Rural Areas, growth will respect and reflect the rural character".

An area extending to 0.9 of an acre has been removed and set aside for "Care Home (Use Class C2)". Notwithstanding this parcel of land being set aside, the developer still seeks to propose 173 units within the remaining parcels which is wholly disproportionate. This appears to have been essentially achieved by removing 12 5- bed houses and substituting them with 23 pairs of identical semi-detached units – 46 in all. The proposed development clearly overlooks the provisions of paragraph 5.1.3 of the Neighbourhood Plan which states:

"This offers an opportunity to rebalance the housing provision in the local area to reflect changing demographics where there are already insufficient larger family house and too few small dwellings for older people to downsize or retire to. A village the size of Bishops Lydeard, defined as a Major Rural Centre by the Core Strategy, ought to be able to accommodate residents throughout their lifetime should they so wish by providing the different types of housing necessary to do this."

The current mix of housing proposed by the proposed development simply does not reflect this opportunity.

The design of the units in the amended application is a major concern. It would seem that this is just another David Wilson Homes estate and there has been very little effort to consider the policies within Policy H5 of the Neighbourhood Plan and, in particular, paragraphs 5.1.38 and 5.1.39. As an example, at least four of the house designs proposed on this development are replicated on the DWH development currently underway at Priorswood.

The following are relevant extracts from paragraphs 5.1.38, 5.1.39 and 5.1.43:

"New housing development should be a coherent attempt to mirror the local vernacular architecture and character which makes the centre of the village distinctive. Housing which has no discernible local character should be avoided.

New housing should be designed well and should be built to last from quality materials. The materials used should be predominantly local sandstone, with render and appropriate brickwork. Roofs should have reasonably steep pitches and be of red clay or slate. Windows should ideally be made from timber, not plastic and should not be too large. Guttering and other external features should further seek to reflect traditional styles.

New residential development in Bishops Lydeard should include a variety of low and higher density housing to reflect the historic mix of housing types and densities in the village". Furthermore, the proposed development fails to meet the Vision and Objectives 2 and 6 of the Neighbourhood Plan:

VISION

We aspire to build on the evident fondness that local people have for the village and surrounding countryside by ensuring development does not damage those essential characteristics. Development will be accompanied by the necessary economic growth and infrastructure. We aim to create a sustainable community of which future generations will be proud..

OBJECTIVE 2

New residential development should provide sustainable quality housing and places with appropriate green open space and other supporting infrastructure, and should be in keeping with the local character of the area.

OBJECTIVE 6

Seek to deliver sustainable transport infrastructure to alleviate traffic congestion and road safety issues which have the potential, unless suitably mitigated, to be exacerbated by future residential development in Bishops Lydeard. It is considered that little heed has been paid to these provisions.

SUMMARY

Bishops Lydeard is designated as a major RURAL centre and not an urban centre for which this development would be more suited.

The Parish Council considers that the proposed development in its present format fails to meet the Core Strategy's vision/policy stated above. The proposed development fails to meet the requirements of the Parish Council's Neighbourhood Plan for the reasons mentioned above.

Three new units are currently being built at Station Green and there is a planning application (currently supported by the Parish Council) for a further ten units at Station Green. Furthermore, the Parish Council is aware that a planning application is shortly to be submitted by Liverty on the adjoining site at Taunton Road for around 20 units.

Taking these into account would mean that the Core Strategy requirement to host 200 new homes between now and 2028 would already be exceeded. In the circumstances, the Parish Council considers that the maximum number of units that should now be permitted should not exceed 120 .

In all the circumstances, the Parish Council objects to this amended application and expresses the hope that it will be refused or, at the very least, adjourned to

enable further discussion to take place on numbers, designs and road issues in the hope that a consensus may be reached.

SCC - TRANSPORT DEVELOPMENT GROUP –

This application is for the development of 173 dwellings off Taunton Road, Bishops Lydeard. The proposed works will include the provision of a new formal pedestrian crossing on Taunton Road, plus improvement of the existing A358/ Taunton Road junction to help ensure its safe operation. Land is also now reserved in this application for the provision of a Care Home, which would need to be the subject of a separate future detailed planning application. The Highway Authority does not object to these revised proposals, as explained below.

Traffic Impact

A Transport Assessment (TA) was produced by Key Transport Consultants in support of this application by David Wilson Homes. The Highway Authority has subsequently commissioned an independent professional peer review of this TA, undertaken by WSP, which has confirmed that the conclusions of the TA can be taken as robust.

The TA has demonstrated that surrounding highway is likely to adequately accommodate the trips generated from the proposed development. In particular, it is noted that the A358/ Taunton Road junction has sufficient spare capacity to accommodate the expected additional vehicle trips.

The TA also considered the effect of the proposed development on the Cross Keys roundabout and Silk Mills junction. Both these junctions are already very busy, and any development within western Taunton Deane or West Somerset is likely to have some impact on their operation. However, the TA has identified that the impact from this development will be relatively small, and this has been confirmed by the peer review. Central Government's national policy is that developments should only be refused on transport grounds where the residual cumulative impacts of development are 'severe', and this clearly would not be the case in this instance. An addendum to the TA has considered the likely traffic impact of a Care Home as now proposed, and the Highway Authority accepts that the impacts of this are expected to be outside of the am or pm peak and are unlikely to be material. With the above in mind, it would be unreasonable for the Highway Authority to object to this application on the basis of the expected traffic impacts of the development.

Travel Plan

A Travel Plan (TP) produced by Key Transport Consultants was submitted in support of this application, and audited by Travel Planning officers in the Highway Authority. A number of issues were identified during the audit, and a revised TP has been produced which successfully addresses the points raised.

The revised TP is generally acceptable, although some minor further amendments will be required prior to it being finalised and secured by an agreement under Section 106 of the Town and Country Planning Act 1990.

Parking

The optimal parking provision for this site as set out in the adopted Somerset County Council Parking Strategy (SPS) for a site within Zone B is:

: ZONE B	1 Bed	2 Bed	3 Bed	4+ Bed	Visitor	TOTAL
Policy	1.5	2	2.5	3	0.2	
# Dwellings*	8	23	70	72	-	173
Optimum	12	46	175	216	34.6	449-484
Actual**	8	46	149	239	20	462

*Dwelling numbers taken from Accommodation Schedule

**Actual taken from revised Parking Matrix

The proposed parking arrangements are nominally slightly below the optimum that would be expected for this location, in particular in relation to 3-bed properties and visitor parking spaces, but not to an extent that would warrant an objection from the Highway Authority.

The applicant has briefly indicated in their submission documents the intention to supply suitable electric vehicle charging facilities, and this should be conditioned on any planning consent.

Highway Works

Off-Site Works

A Technical and Safety Audit was undertaken on the elements of the original proposal that would directly affect the existing public highway, including the new accesses, the realignment of Taunton Road, the proposed Zebra Crossing and the alterations to the existing speed limits.

A number of issues were identified, which have subsequently been addressed by the applicant. In particular, there were concerns regarding the relatively close distance between the eastern-most access to the development and the existing Taunton Road/ A358 junction. However, the applicant has undertaken further investigation and assessment and confirmed to the Highway Authority's satisfaction that he proposed arrangements are safe and appropriate.

In addition, the proposals now include measures to improve the safe operation of the Taunton Road / A358 junction, which are welcomed and considered broadly acceptable (subject to full technical audit as would be required for works on the existing public highway).

The Highway Authority therefore does not object to the application in terms of the off-site highway works now proposed. However, the applicant should bear in mind that further audit and assessment subsequent to any grant of planning consent, which could lead to changes in the details of the proposals, will be required as design work is progressed under a suitable legal agreement with the Highway Authority.

Estate Roads

The applicant has made a number of changes to the estate road layout in response to the Highway Authority's concerns. However, in order to achieve a layout fully suitable for adoption as public highway, should this be sought by the applicant, a number of issues still require further clarification and an annex to this formal response details the issues to be reviewed, as this may help inform the subsequent detailed design process should planning consent be granted.

However, as the suitability for adoption of the estate road layout is a separate issue to the grant of this planning consent, for clarity I can confirm that the Highway Authority does not object to the planning permission currently sought.

The Highway Authority is aware that there may be an ongoing aspiration to produce a less formal layout to 'soften' the development. While this would be fully supported, a holistic approach is needed that considers the layout of the estate as a whole, rather than minor amendments to the roads and footways in isolation. In particular, any amendments to the layout should be careful to ensure that facilities for vulnerable road users, particularly those with mobility issues, are provided where required. The consideration of such amendments would be possible after the approval of the current proposals, if the Local Planning Authority are so minded, and the Highway Authority has therefore recommended the inclusion of a condition to provide a Non-Motorised Road User Context Plan to identify the desire lines for such road users, to ensure any potential future amendments to the proposals still provide appropriate access for all residents, irrespective of their mobility needs.

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

Drainage

A Flood Risk Assessment (FRA) was submitted in support of the application, together with drainage strategy plans, and these have been reviewed by the Highway Authority's Drainage Engineer.

A number of detailed issues have been identified that will need consideration during the detailed design of the scheme. The results of this audit can be made available to the applicant in order to inform the detailed design process. However, no issues have been identified that would prevent the grant of planning consent, should the Local Planning Authority so determine.

Conclusions

The Highway Authority does not object to the principle of this development, as the traffic impact resulting from the likely trip generation would not be expected to have a severe impact on the existing highway network.

The network within the immediate area has sufficient capacity to cater for the additional trips generated by the new dwellings and, while any development in western Taunton Dean or West Somerset will have some effect on the already busy Cross Keys roundabout and Silk Mills junction, the additional effect of this development will be relatively small and cannot be considered severe.

A generally acceptable Travel Plan has been submitted which, after minor

amendment, should be secured under a suitable legal agreement.

The number of parking spaces appears to generally conform to the required optimum standard. A condition should be applied to any planning consent to ensure the provision of facilities for electric vehicle charging.

The proposed access arrangements, including the revisions to the existing highway network and the introduction of new facilities such as a formal pedestrian crossing, are generally acceptable and the Highway Authority would have no objection to the grant of planning permission on this basis.

A number of issues have been identified with regard to the detail of the estate road layout, but these may be addressed during the detailed design and they would not prevent the grant of planning consent. Similarly, issues regarding the design of measures to manage surface water have been identified for consideration during any subsequent detailed design.

With the above in mind, the Highway Authority does not object to the granting of planning permission as sought in this application, but recommends that the following conditions be imposed if planning permission is granted:

- Construction shall not commence on any dwelling hereby approved until the improvement of the Taunton Road / A358 junction has been completed in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works;
- No part of the development hereby permitted shall be occupied or brought into use until the required highway works, including the realignment of Taunton Road, the provision of traffic calming features on Taunton Road, the provision of a new footway on Taunton Road and the provision of new accesses on Taunton Road, are completed in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works;
- The development hereby permitted shall not be occupied until the developer has applied for a Traffic Regulation Order (TRO) to amend speed limits in the vicinity of the development in support of the required highway works. The TRO shall then be advertised and, if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to first occupation of the dwellings hereby permitted;
- Before any work is commenced a programme showing the phasing of the development shall be submitted to and approved in writing by the Local

Planning Authority and the development of the estate shall not proceed other than in accordance with the approved programme;

- Before any work is commenced a Non-Motorised Road User Context Plan identifying the anticipated desire lines within and linking to the development shall be submitted to and approved in writing by the Local Planning Authority;
- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of works, and thereafter maintained until the completion of construction works;
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation 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;
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- 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;

- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority;
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;
- There shall be an area of hard standing at least 5.5 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of a roller shutter/sliding/inward opening type;
- There shall be an area of hard standing at least 6 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type;
- None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the development in accordance with a design and specification to be approved in writing by the Local Planning Authority;
- Each dwelling shall, prior to its occupation, be provided with access to a 16 amp electric vehicle charging point;
- Each dwelling shall, prior to its occupation, be provided with secure cycle parking facilities at the rate of one space per bedroom;
- Plans showing parking areas shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The space(s) for each dwelling shall be properly consolidated before that dwelling is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted; and
- No development shall commence unless a Construction Traffic 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.

Further comments received following the receipt of amended plans:

No new comments to add.

BIODIVERSITY - Ecology solutions carried out an ecological assessment of the site in September 2017.

Findings were as follows

Habitat

The majority of the habitats within the application site generally hold limited value, comprising regularly grazed species-poor semi-improved grassland and ruderal vegetation. The features that hold higher value are the trees, scrub and hedgerows along field boundaries.

The development proposals would result in losses to semi-improved grassland, the removal of two roadside hedgerows and minor losses to trees, scrub and ruderal vegetation. The scheme design which includes the provision of new areas of species-rich habitats such as ponds and new tree, scrub and grassland planting as part of the landscape planting scheme will, I consider, mitigate losses.

Amphibians

At the time of the first survey in April 2016, all water bodies (including the off-site pond toward the north-west) were recorded to be dry or holding very little water. Whilst a torch survey was completed during the survey (with no evidence of amphibian species recorded), subsequent survey visits completed in April, May and June 2016 found all water bodies to be completely dry on each occasion. It is therefore considered that Great Crested Newts would not be present within the application site during either their aquatic or terrestrial phase.

Reptiles

Due to intensive grazing by livestock, grassland habitats present within the application site support a very short sward and so hold limited potential for reptiles.

Badger

An inactive Badger sett was recorded on site.

Bats

Initial bat surveys were undertaken in January 2016 to assess the potential for roosting bats within trees within the application site.

A total of three evening surveys were undertaken in monthly intervals between May and July 2016.

The application site offers opportunities for foraging and commuting bats in the local area, particularly along the hedgerows. Not all the hedgerows will be retained, but those which are retained will be enhanced. New wildflower grassland and SuDS features proposed as part of the landscape scheme will provide foraging opportunities for bats.

A single mature Oak tree present in the south-west corner of the application site is considered to have low potential for roosting bats on account of it supporting a number of cracks and splits. However this tree is to be retained within an area of open space, so no further survey work is required.

Dormice

In order to ascertain the presence or absence of Hazel Dormice within the application site, specific survey work was undertaken between June and October 2016 in the form of a nest tube survey.

No Dormice or evidence to indicate their presence (such as a nest or gnawed nuts) was recorded during any of the monthly checks undertaken between June and October 2016.

Water Voles and Otters.

Given the presence of a fast-flowing stream immediately to the north-east of the application site boundary, specific survey work for Water Voles and Otters was undertaken in June and August 2016 but no evidence was found.

Birds

The application site offers some opportunities for nesting birds in terms of the hedgerows, treelines and scrub.

The proposals will retain the majority of existing hedgerows, tree and scrub, with areas of new planting being proposed within areas of public open space. This will maintain and enhance opportunities for foraging and nesting birds post-development.

I support the proposal to erect bird nest boxes

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 Ecology solution ltd.'s submitted report, dated September 2107 and include:

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

rest for the species

4. A 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 bat, and bird boxes and related accesses have been fully implemented

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

Informative Note

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 bats, reptiles, dormice, badgers and birds will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development.

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

No further biodiversity observations on amended plans.

LANDSCAPE - The proposed landscaping appears satisfactory but full details are required. Is there potential to retain further roadside hedge in the public open space.

WESSEX WATER - We refer to the reference to sewage treatment capacity outlined below and subsequent updates where we advised that we would complete further appraisal work to confirm the impact on the public sewer system.

We can advise that additional treatment capacity will be required to service catchment growth at Bishops Lydeard. In the longer term we will be preparing a scheme of works to provide treatment capacity. In the short term if the rate of development exceeds the available capacity we have been able to determine that temporary facilities can be installed to meet catchment demand. In the circumstances we are able to withdraw our holding objection. Therefore there will be no requirement to agree any phasing arrangements relating to sewage treatment.

Foul Drainage - Foul Water and Surface Water discharges must be drained separately from the site.

The Drainage Strategy Statement (Sept 2017) proposes a pumped connection to public sewer to the north of the site. The local area is served by a public foul water system draining to Bishop Lydeard STW for treatment before discharge to the local watercourse. The existing sewage works is approaching capacity and the additional flow from the proposed development is predicted to exceed the current

discharge consent.

Sewage Treatment - All sewage works need to operate within prescribed limits of a discharge consent and where these will be exceeded it will be necessary to plan design and construct treatment capacity. Wessex Water acting as the sewerage undertaker will be at risk of prosecution if these proposals proceed ahead of any planned improvements at the treatment works.

We can advise that it will be necessary to carry out a capacity appraisal and confirm the scope of improvement necessary to accommodate the additional loading at the works. A detailed engineering appraisal will require 3 – 6 months to undertake and confirm available capacity or recommendations for improvements.

We are currently completing a strategic review of treatment assets for a capital investment programme between 2020 – 2025. Areas of growth that need a scheme of work to provide enhanced capacity will be prioritised as sites are promoted through the planning system. Once this appraisal has been completed we will be able to advise upon the scope of works. Where any necessary works require additional land and planning consents this will require time to plan design and construct.

There may be scope for a phased approach to the delivery of housing on the site with agreement upon a threshold number of properties that can connect before any scheme of works is constructed. We will be pleased to advise the Local Planning Authority upon these matters in more detail when appraisal work has been completed.

Surface Water Drainage - Surface Water connections to the public foul sewer network will not be permitted.

There are no public Surface Water sewers in proximity of this site

The drainage strategy statement (September 2017) indicates Surface water drainage to SuDS and land drainage systems in accordance with Building Regulations Hierarchy and NPPF Guidelines, which will be subject to approval from the Lead Local Flood Authority.

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

Water Infrastructure - The proposed development is crossed by existing water mains, with the approximate positions being marked on the attached record.

Wessex Water acting as Statutory Undertaker require 24 hour unrestricted access to these mains for the purposes of maintenance and repair. The planning layout 0640-102 appears to respect the need for satisfactory easement widths for the 400mm and 700mm mains. However the easement for the 15” main appears to conflict with the proposed layout. The developer needs to accurately locate and plot the line of the water mains and ensure that the easement strips are clear from structures and obstruction and that surface levels over the mains are not reduced or increased.

A water connection off the existing 6" CI main in Taunton Road can be provided to supply the proposed development with new water mains installed under a requisition arrangement. Buildings above 2 storeys will require on site boosted storage. Applicant should consult the Wessex Water website for further information and contacts.

www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections

HALSE PARISH COUNCIL - It cannot be sensible to allow this development without having plans to alleviate the increase in traffic which will affect:

- i. The increase in congestion within Bishops Lydeard ('BL') village. Without any car parking facility, the road around the school/Co-op which is currently invariably difficult to negotiate at peak times will deter people from using the amenities.
- ii. The safety of the road junction between Taunton Road and the A358. It is unlit and traffic from Taunton often has to sit at the junction or race across between cars. The positioning of a new junction at the top of the rise (which reduces visibility) and the likelihood of cars speeding across would increase the risk of accidents. This junction needs speed calming measures and lighting.
- iii. The volume of traffic queuing at the Cross Keys roundabout. There will be an adverse impact on congestion at this junction, with the addition hazard of traffic entering/exiting the revamped and bigger petrol station.

Given the large increase in housing, it would be appropriate to require the developer to make a significant contribution to the provision of extending the off-road cycle route from BL to Taunton via Cotford St Luke.

The Doctors surgery is a vital provision not only to BL, but also to residents of surrounding villages. The increase in residents in BL may well affect the ability of the surgery to offer services to new patients currently within their 'catchment' area. Any assistance that the developer could provide should be thoroughly investigated. Due to the closure of the Milverton surgery, the alternative options for nearby villages' residents are significantly less convenient.

Similarly, the effect on local schools' catchment areas if, for example, the Kingsmead one was forced to change due to increased numbers from BL is a concern to other villages, whose children may be squeezed out and required to go elsewhere, again less convenient.

The decision cannot be made purely on the need for more housing, without reacting the effect on infrastructure in advance rather than being thought about as a reaction when issues arise.

WALES & WEST UTILITIES - We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by

other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

HOUSING STANDARDS - No comments received

HOUSING ENABLING - 25% of all new housing should be in the form of affordable units, which would equate to 43.25 units. It is noted that 43 units are proposed and this should either be rounded up to 44 units or a commuted sum should be paid for the remaining 0.25 unit, in the sum of £11,067.

The proposed mix is considered to meet local demand and meet the requirement of 60% Social Rented and 40% Shared Ownership housing. It is noted that 5 wheelchair units are proposed, which includes 4 bungalows, all of which are stated to be Shared Ownership. It is however considered that two of these bungalows should be changed to Social Rented (suggest swapping with 2 x 2 bedroom houses) to provide an appropriate mix and these Social Rented bungalows should be fully adapted disabled units in accordance with Part M4, Category 3: Wheelchair user dwellings of the Building Regulations 2010.

It is essential to ensure that the shared ownership bungalows are affordable and on this basis, the percentage share for ownership should not exceed 3.5 x (times) the average household income for the area, with the rent capped at 2%.

The location of the affordable units is considered broadly acceptable, although management difficulties would be envisaged where there is a mix of Shared Ownership and Social Rented properties within the same block. To overcome this, the swap of plot 97 to Shared Ownership and plot 88 to Social Rented is suggested.

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

Further comments received following the receipt of amended plans: –

The revised layout plan retains the same level of affordable housing as the original plan with an appropriate tenure mix, which meets the requirement of 60% Social Rented and 40% Shared Ownership housing

The overall number of affordable homes remains at 43. As 25% of the 173

dwellings proposed would equate to 43.25 units, a commuted sum should be paid for the remaining 0.25 unit, in the sum of £11,067.

Following previous Housing Enabling comments, it is noted that 2 of the bungalows, formerly stated to be shared ownership are now shown to be social rent to provide an appropriate mix. These social rented bungalows should be fully adapted disabled units in accordance with Part M4, Category 3: Wheelchair user dwellings of the Building Regulations 2010.

It is noted that the scheme now also includes a care home. On the basis that this care home would not provide individual units of self-contained accommodation, there would be no requirement for affordable housing on this element of the scheme.

ENVIRONMENT AGENCY - Providing the Local Planning Authority is satisfied the requirements of the sequential Test under the National Planning Policy are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to the inclusion of the following conditions which meet the following requirements:

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA): Report No. 70024551- FRA-P2-001.

No development should be undertaken within Flood Zones 2 and 3, and there should be no change of ground levels within Flood Zone 3. This should include no surface water attenuation facilities within Flood Zones 2 or 3.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

REASON: To prevent the increased risk of flooding.

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

Part of the above proposal falls within Flood Zones 2 and 3, which are areas with a medium and high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources for Flood Zone 3 (i.e. it has a 1% or greater chance of flooding in any given year). For Flood Zone 2 the probability is between 1 in 100 and 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year).

The Environment Agency has no comments to make, in addition to those contained in its letter dated 3 November 2018 regarding the proposal.

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

POLICE ARCHITECTURAL LIAISON OFFICER - Places.

Comments:-

Crime Statistics – reported crime for the area of this application (within 500 metre radius of the grid reference) during the period 01/10/2016-30/09/2017 is as follows:-

Arson - 2 Offences (incl. 1 endangering life)

Criminal Damage – 4 Offences (incl. 1 criminal damage to dwelling & 2 criminal damage to vehicles)

Sexual Offences - 1

Theft & Handling Stolen Goods - 6 Offences (incl. 1 theft of motor vehicle and 2 theft from motor vehicles)

Violence Against the Person – 20 offences (incl. 1 wounding, 5 assault ABH, 9 common assault & battery & 2 causing harassment, alarm, distress)

Total - 33 Offences

This averages less than 3 offences per month, which is a very low level of reported crime.

ASB reports for the same period and area total 16 which is also a low level.

Planning Statement – paragraph 5.36 states that *'the scheme has incorporated Secure by Design principles across the masterplan in order to reduce the likelihood of crime etc. Dwellings have been orientated so that they overlook and front onto the multi-functional recreational route, Locally Equipped Play Area and other informal areas of public open space'*. I concur with this statement and comment on this and other SBD principles below.

Layout of Roads & Footpaths – vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The proposed use of physical or psychological features i.e. rumble strips and road surface changes by colour or texture at the road intersections helps reinforce defensible space giving the impression that the area is private and deterring unauthorised access.

Communal Areas – communal areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to enable surveillance from nearby dwellings with safe routes for users to come and go. This proposed development appears to incorporate a number of areas of public open space plus a Recreational Route through the centre of a major part of it. The Recreational Route appears to be well overlooked from nearby dwellings, generally speaking from both sides, and appears to comply with the above advice. What appear to be further Play Areas at the south/west and north/east corners of the development are less well overlooked but do appear to benefit from surveillance from 2 or 3 dwellings opposite. Ideally, from a safeguarding perspective, they should be located in areas with good all round surveillance.

Orientation of Dwellings – as mentioned in the Planning Statement, all the dwellings appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. A large proportion of dwellings are also back to back, which is also recommended, as this restricts unauthorised access to the vulnerable

sides and rear of dwellings.

Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. Vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as the adjacent fencing and lockable. The Legend to the Planning Layout drawing indicates that this advice will be complied with.

Car Parking – a large proportion of the dwellings appear to incorporate in curtilage garages and parking spaces, which complies with police advice. The majority of the communal on-street parking spaces appear to be in small groups, close to and overlooked by owner's homes, which is also recommended.

Landscaping/Planting – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. The Landscape Plans appear to indicate that this will be the case.

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

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

Secured by Design - the applicant is encouraged to refer to the '**SBD Homes 2016**' design guide available on the police approved Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

Further comments received following the receipt of amended plans -

As the Care Home element of this application is in outline only, with no proposed site layout plan at this stage, I have no further comments to add.

SCC - CHIEF EDUCATION OFFICER - No comments received

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comments received

SCC - NOW HISTORIC ENV SERVICE - An archaeological evaluation on the site

has revealed a Bronze Age circular enclosure in the south-central area of the site, with internal postholes and three urned cremation burials. These type of enclosures are enigmatic as no definitive purpose has been proved although in this case the association with funerary practices may show the enclosure to be concerned with burial. The site is of local significance and is likely to be heavily impacted by this development.

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

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

and:

"No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured."

ECONOMIC DEVELOPMENT - No comments received

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

20 sqm of both equipped and non-equipped children's play space should provide per each 2 bed + dwelling. The application has 165 x 2 bed+ dwellings resulting in a requirement of 3300 sqm of equipped and non-equipped play space. As equipped play space at least 1 x LEAP at 400sqm should be provided.

Children aged under 8 years should not have to walk more than 400m to their nearest equipped play area. The LEAP should therefore be centrally located within the site and overlooked from the front of the dwellings. The location of LEAP in Evolution 1 would appear to cover this criteria. However provision of safe crossing should be made for the children who will be accessing the play area from the opposite side of the site.

The LEAP should contain at least 5 items of play equipment covering all the play disciplines, along with a seat, bin and sign. If fenced 1 x access gate and 2 x

pedestrian outward opening gates should be provided.

All play equipment must have a manufacturer's guarantee of at least 15 years. Wooden equipment should be set in metal feet. A detailed plan for the LEAP should be submitted to TDBC Open Spaces for approval prior to implementation.

LEAD LOCAL FLOOD AUTHORITY - The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has indicated an intention to utilise 4 x attenuation ponds within the site curtilage with discharges to 2 x existing watercourses, controlled to greenfield rates, however, they have not provided detailed designs or supporting calculations for the proposed surface water drainage strategy. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

The LLFA has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

Condition: No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

Further comments received following the receipt of amended plans -

We have previously commented on this application, providing comments and requesting a drainage condition to secure our interests. We now have the following additional comments with respect to the amended plans and submitted documents.

The runoff calculations submitted in the drainage statement (The Engineering Studio – dated June 2018) are the same as those submitted in the FRA (WSP August 2017) for the previous layout of the development. It is assumed that these calculations included the area of the site now allocated for the proposed care home? There is no detail about how the proposed care home site will connect to the more detailed drainage scheme for the wider development.

We do not concur with the assertion within the drainage statement that the site must discharge at the 1 in 100 year (+40% climate change) rate (10l/s) because of the risk of blockage. In accordance with local flood risk standing advice and best practice “*surface flows ... should be attenuated to the corresponding greenfield runoff rate for each storm event OR 10 litres per second per hectare whichever is the lowest*”. There are flow control devices which can easily achieve this safely.

The submitted plans do not show the volume of attenuation provided in each of the proposed ponds. The applicant will need to confirm that sufficient storage is being provided on site.

SCC - RIGHTS OF WAY - No comments received

SCC - ECOLOGY - No comments received

PLANNING POLICY - Bishops Lydeard is identified as a Major Rural Centre in the adopted Taunton Deane Core Strategy. The application site area corresponds to allocation MAJ4 in the adopted TDBC Site Allocations and Development Management Plan (SADMP).

Policy SP1 of the Core Strategy identifies Bishops Lydeard as a Major Rural

Centre, suitable for allocations of up to 200 new additional dwellings.

The SADMP allocated land at Taunton Road and Hithermead for a residential led, mixed use development of around 150 dwellings together with associated recreational space. It was envisaged that greater detail, including strategic landscaping and planting, number, size and mix of dwellings and the form of recreational space would be determined through the Bishops Lydeard & Cothelstone Neighbourhood Development Plan (BLC NDP).

The application proposes a higher number of dwellings (173) than set out in policy MAJ4, though the proportion of affordable housing (25%) and tenure split (60/40 Social Rent/Shared Equity) meets the Core Strategy CP4 requirements. It is proposed to include 4 bungalows (a BLC NDP aspiration) and a house which meets wheelchair adaptable standards at the northern end of the development, closer to the village's services and facilities. It has been stated that all dwellings will meet the minimum internal floor space requirements of SADMP Policy D10, and all dwellings provide a private garden for the exclusive use of the occupants, in line with Policy D12.

The proposals do not include employment, and whilst the applicant has provided comment on why B1, B2, B8 employment uses are not included, they appear not to have considered others (i.e. C2 (residential and nursing care), A1 (retail), A2 (professional services), D1 (healthcare, medical, crèche/nursery, etc., Sui Generis (live/work), etc.) which may be appropriate for this site.

The BLC NDP contains a Schematic Diagram to illustrate the desired layout of the allocated site. This was produced before it was known about the water main running through the middle of the site. In general the development has been designed to take account of constraints such as flooding and high pressure water main. Creating a central continuous linear open space with children's play area which provides recreational open space as required by policy C2 SADMP.

The development provides 1 and 2 bed properties which could meet BLC NDP Policy H1 requirements for properties for downsizing to and also 3 bed family homes in accordance with Policy H2. Most requirements of the BLC NDP policy H3 appear to have been met with the exception of the community woodland on the southern boundary and a portion of self-build plots.

SADMP Policy A5 requires residential development to be within walking distance of, or should have access by public transport to, employment, convenience and comparison shopping, primary and secondary education, primary and secondary health care, leisure and other essential facilities. Bishops Lydeard has a range of essential services and facilities within the village (primary school, pharmacy, children's centre, village hall, library, nursery school,/crèche, convince store, etc.) the Secondary Schools are in Taunton (c.30min by bus) and Wiveliscombe. The bus stops are on Taunton Road and Hither Mead and No.28 Taunton to Minehead Bus is a reasonable service running about every 30 minutes to 1hr in frequency (depending on the time of day).

SADMP Policy A1 sets out maximum parking requirements for developments in. Across the development of 173 dwellings the car parking for 1-bed and 2-bed properties is in line with the standard, provision for 3-bed properties a maximum is

3 spaces about 1/3rd of the 3 beds have 3 spaces the remainder have 2 spaces per dwelling, and 4-bed+ is below the standard at an average of 3.3 parking spaces per property rather than the 3.5. This should be balanced against the accessibility of local services and facilities, including the availability of public transport, cycling and walking routes. However, it does not appear that the motorcycle parking and cycle parking has been achieved (a minimum of 1 motorcycle parking space per 5 dwellings or 1 motorcycle space per 20 car spaces, whichever is the greater, and 1 cycle parking space per bedroom).

TDBC seeks new developments to create high standards of design quality, SADMP Policy D7. In this regard it is encouraging to see the development attempt to reflect local materials and character where it comes up against existing development – for example the properties which face Taunton Road, which also create an active frontage. It has also sought to define areas within the development through materials and create a gateway feature on Taunton Road. The development has also retained a significant amount existing trees and hedgerows, using the existing topography and new planting to create interlinked open spaces with small variation in characteristics. This also appears to accord with BLC NDP policy H5. However the density of the site does not appear to be graduated from higher on the northern and eastern ends to lower at the western end of the development.

The development appears to have a co-ordinated approach to the design of development and its associated highways, Policy D9. Safe walking routes are provided, reflecting pedestrian desire lines. Open spaces have seating in, the play space is overlooked. The street layout provides some choice of routes, reflects street character types (place and movement functions of each street) within the constrained nature of the site. In line with BLC NDP Policy TR2 the development connects into the existing footpath which runs parallel to the stream on the north eastern edge of the development.

HERITAGE - No comments received

Letter received from Somerset Wildlife Trust objecting due to the lack of ecological assessment and

Representations Received

37 letters of objection on grounds of:

- Amount of housing would strain existing services in the village
- Infrastructure issues - Will swamp health centre
- School is at capacity
- Development too large and should be phased
- Design and size of properties out of keeping
- Inadequate security and loss of privacy
- Impact on countryside
- Loss of view
- Does not link to Paddock development
- Affordable housing needs to be for villagers first
- Query whether there is a need for the level of larger properties proposed

- Housing estate with no provision of local work
- Proposal not in accordance with Neighbourhood Plan
- Impact on rural character of village
- Want countryside not concrete jungle
- Street lighting should preserve the dark skies
- Noise issues
- Access road not suitable
- Query accuracy of traffic survey
- Significant increase in cars will cause traffic problems
- Crossing will be dangerous with speed of traffic
- Lack of traffic calming at dangerous A358 junction
- Increase in traffic/congestion, will lead to more accidents particularly at dangerous A358 junction
- Query need to reduce speed limit on this stretch of the A358
- Concern over new access points on Taunton Road
- More buses required
- Access should be via Hither Mead
- Impact on Cross Keys roundabout
- Exacerbate parking congestion with lack of village centre parking
- No provision for a cycle route to Taunton
- Impact on wildlife
- Query whether level of landscaping/planting is sufficient
- Added pressure on Quantock Hills
- Believe there to be an archaeological site within proposed area
- Flooding regularly occurs on part of site
- Impact upon amenities of occupiers of existing neighbouring properties

Following receipt of amended plans, a further 13 letters were received, raising the following new issues:

- Introduction of care home would increase range of residential options
- Care home would increase traffic further still
- 173 properties is disproportionate on the reduced size of land now proposed for housing
- New positioning of exit is more dangerous
- Care home unlikely to be built
- Loss of privacy, despite amendments reducing impact to some extent
- Development would take up all of allocation to 2032, limiting opportunities for other smaller sites to come forward
- Inadequate provision of a sustainable drainage system

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,
CP2 - Economy,
CP4 - Housing,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
A1 - Parking requirements,
A2 - Travel Planning,
A5 - Accessibility of development,
D7 - Design quality,
D10 - Dwelling Sizes,
D12 - Amenity space,
D13 - Public Art,
ENV1 - Protection of trees, woodland, orchards, and hedgerow,
ENV2 - Tree planting within residential areas,
ENV4 - Archaeology,
I3 - Water management,
MAJ4 - Land at Taunton Road, Bishops Lydeard,
(BL) H1 - Housing for Older People,
(BL) H2 - Housing for Families,
(BL) H3 - Housing Setting and Open Space,
(BL) H5 - Housing Design and Density,
C2 - Provision of recreational open space,
SP1 - Sustainable development locations,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable. Proposed dwellings floorspace totals approx. 20,806sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £2,500,000.00. With index linking this increases to approximately £3,250,000.00.

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	£186,679
Somerset County Council	£46,670

6 Year Payment

Taunton Deane Borough	£1,120,073
Somerset County Council	£280,018

Determining issues and considerations

The proposal has been revised to provide a mixed use scheme to comply with policy as the site is allocated in the Site Allocations and Development Management Plan (SADMP). The main considerations are therefore whether the scheme complies with policy and whether there are any adverse impacts which would act against the principle of sustainable development set out in the NPPF and the Local Plan. The impact on access and parking, drainage, leisure provision, affordable housing, amenity and wildlife therefore need to be considered.

POLICY

The site is allocated in the SADMP under policy MAJ4: Land at Taunton Road, Bishops Lydeard and is for a residential led mixed use development of around 150 dwellings with associated recreational open space. The policy does not preclude the provision of more than 150 subject to the nature of the layout. The details in respect of the landscaping, number, size and mix of dwellings and form of the recreational open space is to be determined through the Neighbourhood Plan. The initial submission was purely for a scheme that was housing and was considered not to meet the requirements of policy MAJ:4. The revisions are considered to address the need for a mixed use scheme, with provision of a care home, as the policy does not specify the nature of the mixed use. The applicant has submitted a marketing report to justify the lack of B1 uses and has evidence to support the need for a care facility. However as the applicant does not provide such facilities it is considered unreasonable to control the timing of such provision. Such a use would also address policy H1: Housing for Older People in the Neighbourhood Plan. The revisions also address a number of points in the Neighbourhood Plan policy and those raised by the Parish Council. The policy in the Neighbourhood Plan H3 sets out the criteria that must be addressed in terms of any development and includes:

- Include adequate play areas for younger children
- Include adequate off street car parking to minimize on street parking on existing routes
- Provide minimal levels of street and path lighting
- Maintain views towards the village centre
- Establish a community woodland along the new V-shaped southern village boundary
- Conserve existing mature trees and old hedgerows and respect Tree Preservation Orders

- Link new foot and cycle paths to the existing network
- All road links to allocated sites will be from Taunton Road
- Complete a flood risk assessment (FRA) and retain areas liable to flooding as green open space or woodland
- Provide adequate green open spaces, including informal open space areas for dog walkers with dog bin provision. Consideration should also be given to the possible provision of a skate park and other facilities for young people
- Include a number of serviced self-build plots.

The site layout is partly determined by a water main which crosses the site and this prevents development within a 12m easement corridor. This limits the position of built form on the sites and has been utilised as allowing a green area of open space to serve the development. Play areas for children of different ages are designed into the scheme and parking is largely designed to be off street. Views towards the middle of the village are considered to be maintained and street lighting is one of the conditions being proposed. Trees and hedges are retained wherever possible and links to existing footpath cycleway networks are proposed. The site is allocated and is considered to have sustainable links to local facilities within walking distance or by bus or car. The development provides links off Taunton Road and a Flood Risk Assessment has been provided with the submission. The submission lacks provision of self-build plots and so the impact of this shortfall in terms of the policy has to be considered in light of the other benefits provided.

The Bishops Lydeard Parish Council response to the initial scheme has resulted in the applicant increasing the number of bungalows provided and addressing the impact on the adjoining site at Spinneyfield at the same time. A terrace along Taunton Road is introduced to reflect the character on the other side of the road and improvements to Taunton Road through traffic calming and speed reductions as well as an improved junction with the A358 through the legal agreement are also proposed. Finally the applicant has agreed to use natural stone on key plots rather than a reconstituted stone and the design of the dwellings is considered suitable given the character of the area and materials are to be conditioned. Despite the Parish Council's continuing concern the details are considered to address the policy and can be conditioned including the road surfacing. Over 100 of the new dwellings are 3 bedrooms or less allowing for downsizing in line with the Neighbourhood Plan policy.

ACCESS AND PARKING

The proposed accesses into the site are off Taunton Road as required by the Neighbourhood Plan and as part of the development the road will be realigned and traffic calming measures will be incorporated as well as a pedestrian crossing. An improvement to the A358 junction is also proposed and would be part of the off site highway works. The means of surfacing the traffic calming features within the highway is a detail that can be agreed with the Highway Authority and conditioned. The Highway Authority are satisfied with the capacity of the junctions and the safety of the accesses into the site. Adequate parking is proposed which would comply with

policy A1 and would ensure suitable off road parking provision for the dwellings. A travel plan is proposed as part of the development and a legal agreement will be required to secure this as well as the off site highway works. A significant number of conditions are suggested by the Highway Authority, however a number of these are repeated and others are beyond the remit of planning. Consequently the list of suitable and relevant conditions are included in the recommendation.

DRAINAGE

A Food Risk Assessment has been submitted with the proposal as the site is over a hectare and part of the northern area lies within Flood Zone 2. None of the residential development lies within the flood risk zone and the Environment Agency and Lead Local Flood Authority have no objection in principle subject to conditioning of surface water drainage details. Four surface water attenuation ponds are provided, two either side of Taunton Road to address the surface water run-off issue and a condition to address the rate of discharge is considered necessary. In terms of drainage Wessex Water advise that foul and surface water treatment needs to be provided separately. Initial concern was raised over the capacity of the treatment works, however it has been confirmed that the capacity issue is not one that would impact on the building out of the submitted scheme and no objection has been raised.

LEISURE PROVISION

The proposal provides for adequate play and open space provision through the site and a condition is considered necessary to secure the provision of the play equipment on site. Maintenance of the public open space needs to be secured and a legal agreement will be required to ensure this is the case, whether by a Local Authority or a management company.

AFFORDABLE HOUSING

Policy CP4 of the Core Strategy requires 25% affordable housing as part of any residential development scheme. On this site this equates to 43.25 units and the developer has agreed to this level of provision and the required tenure split as requested by the Housing Enabling Officer. This will result in the provision of 8 x 1bed flats, 4 x 2bed bungalows that are wheelchair accessible, 19 x 2bed houses and 12 x 3bed houses. The proposal will require a Section 106 agreement to secure these units and this forms part of the recommendation.

OTHER MATTERS

An ecological assessment of the site was carried out and submitted with the application and the Biodiversity Officer is satisfied with the impacts and proposes a standard condition to ensure suitable enhancements. The County Archaeologist has assessed the evaluation carried out and recommends a condition to secure a programme of works on site prior to construction to adequately assess the historic value of the site and this is reflected in the proposed conditions attached.

CONCLUSION

In conclusion the development proposal is considered a mixed use scheme that is compliant with policy MAJ:4 of the SADMP. While the proposal is for 173 which is greater than specified in the policy it is not considered an over development of the site given the nature of the design and layout of the proposed development. The scheme is considered to address the relevant neighbourhood plan policy other than the provision of self-build plots. It is for Members to consider whether this shortfall is grounds to refuse the development in light of the other benefits. The development provides suitable access and parking, adequate play, open space provision and affordable housing and wildlife and heritage matters are suitably addressed. The design and materials of the dwellings are considered to be in keeping with the area and subject to appropriate conditions the benefits of the scheme in terms of employment, affordable housing and local housing is considered to outweigh this one element and the application is therefore recommended for approval, subject to a legal agreement.

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

Contact Officer: Mr G Clifford

20/18/0018

MR S FINEBERG

Erection of 1 No. detached dwelling with associated works on land at Copper Hill, Lodes Lane, Kingston St Mary (resubmission of 20/17/0018)

Location: COPPER HILL, LODS LANE, KINGSTON ST MARY, TAUNTON,
TA2 8HU

Grid Reference: 322206.129666

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 2017019 001 Location and Block Plans

(A3) DrNo 2017019 002 Site Survey

(A3) DrNo 2017019 004 Proposed Site Layout Plan

(A3) DrNo 2017019 005 Proposed Floor Plans & Elevations

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

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

Reason: To safeguard the character of the area and in the interests of the amenities of the neighbouring residents.

4. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior such a scheme being implemented. The

scheme shall include details of the species, siting and numbers to be planted.

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

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

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

5. 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 area.

6. 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 Quantock Ecology's submitted reports (Ecological assessment and Great crested newt survey) both dated July 2018 and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for the species

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

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

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

2. Wessex Water will not permit the build over of public shared sewers by new properties.
Your contractor must undertake private survey to determine the precise location of the existing 150mm public foul sewer which crosses the site. Easements are usually 3 metres either side of public sewer, subject to application sewers can sometimes be diverted, at the applicants cost, to achieve suitable easements.

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

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

The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority.

The planning authority will need to be satisfied that soakaways will work. Soakaways will be subject to Building Regulations

3.
 1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
 2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
 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.

Proposal

The application proposes the demolition of a former agricultural building (dutch barn and lean-to) and the erection of a one and a half storey two bed dwelling. The dwelling is proposed to be constructed in local natural stone, with stained vertical boarding on the dormer windows. The pitched roof is proposed to be clad in clay pantiles. The door and windows are to be stained timber. The site measures 316m² and the building footprint measures 62m².

The application also indicates the demolition of a second barn (cowstalls). However this barn is outside the application site and not subject to consideration under this application.

Site Description

The application site lies within the settlement boundary of Kingston St Mary and also

located within the conservation area and the Quantock Hills Area of Outstanding Natural Beauty (AONB). Residential properties are located to the east and south, with open agricultural land to the north-west. A public footpath runs across the agricultural land to the north.

Relevant Planning History

20/17/0018 - Erection of dwelling - Application withdrawn 16 October 2017

Consultation Responses

KINGSTON ST MARY PARISH COUNCIL - The Parish Council objects to this application for the following reasons:

- the development would have a detrimental impact on the view and setting of the Grade 1 listed building
- overdevelopment of a sensitive site within the conservation area
- concerns regarding additional traffic accessing/egressing from the junction of this area onto Church Lane

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice applies

WESSEX WATER - No objections

BIODIVERSITY - The proposal is for the demolition of existing barns and the erection of a detached dwelling on land at Copper Hill, Lodes lane, Kingston St Mary.

Barn 1 is a metal framed Dutch barn whilst barn 2 is a block built barn. No loss of hedgerow will occur as a result of the proposed plans. Three ponds are present within 200m of the site.

Quantock Ecology carried out an Ecological assessment of the site and a great crested newt survey to produce two reports dated July 2018.

Findings of the reports are as follows

Birds - A number of bird nests were noted within the building 1

Bats - No bats or evidence of bats was recorded in the buildings. The open nature of the buildings and lack of suitable roosting features suggest that the buildings have negligible value for bats.

Great crested newts - Surveys of the three ponds classed the ponds as poor to average. No GCN were found during survey.

I support the recommended biodiversity enhancements subject to the imposition of conditions.

HERITAGE - I have visited the site. The existing buildings on the development plot are not special. In my view a development in this location will cause no harm to the setting of the church.

It would help if the concrete block barn was removed as that causes minor harm. However it also shields the proposed building so in heritage terms there is no objection

QUANTOCK HILLS AONB - While recognising the amendments made to the previous withdrawn proposal for this site the AONB Service remains concerned that removal of agricultural buildings and erection of a dwelling will change the character of this part of the village edge.

We are concerned that the removal of redundant agricultural buildings and replacement with a mock agricultural 'conversion' could give a false history in the landscape. We are also concerned how this development would affect the setting and views to St Mary's church. The change from agricultural buildings to domestic property (and associated domestication of the landscape) is likely to be marked. We are unclear how this change will conserve the agricultural character of the village edge. We ask that due regard is had to the current AONB Management Plan (2014-2019), in particular:

SEO3: Reinforce and protect the rural and historic character of the agricultural landscape within its distinctively sparse settlement character, scattering of isolated farmsteads, tiny hamlets and small villages. Protect and manage the longstanding agricultural land use for its important role in the local economy, for the habitats it supports and to ensure it contributes to the regulation of soil and water.

Development and Infrastructure: That design respects and reinforces local character and scale in new development affecting the AONB.

"The Quantock Hills AONB is visually very vulnerable, with much of the landscape having a pronounced physical form ... Equally the more intimate landscape of the lower slopes and coastal strip, the irregular hedged fields and small stone-built hamlets and villages, can be stripped of its special character by inappropriate development and the cumulative effect of insensitive changes over time".

Action Point D14: To support the protection of local distinctiveness in AONB settlements and Quantock lanes and roads.

SCC - NOW HISTORIC ENV SERVICE (AS NOT PART OF SCC 2015) - No comments received

Representations Received

Representations have been received from thirteen residents objecting to the proposal on some or all of the following comments:

- applicant has no right of access over the lane for residential purposes

- the scale of the development is out of keeping with surrounding properties, shoehorned onto a small site with little outside space
- demonstrable harm to the character and appearance of the conservation area and AONB
- access road is narrow with no passing places, which would be dangerous
- access road cannot accommodate additional traffic generated by the development
- additional traffic on Church Lane would add to congestion
- increased noise disturbance and loss of privacy to existing dwellings
- replacing the barn with a new dwelling would result in creeping urbanisation
- the design is out of keeping with neighbouring buildings
- planning permission should improve an area
- no provision for outdoor storage
- the site sits between two important listed buildings, the Manor House and St Marys Church
- new utility connections would be required in the private lane
- there are a number of inaccuracies in the Access Statement submitted with the application

One representation received asking for the following points to be taken into consideration:

- erection of a 1.8m high boundary fence along the south-western boundary
- details of all drainage matters to be secured prior to the commencement of any works and to be conditioned accordingly
- if any asbestos found, reassurance it will be disposed of in the correct manner

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

DM1 - General requirements,
 SP1 - Sustainable development locations,
 SB1 - Settlement Boundaries,
 SD1 - Presumption in favour of sustainable development,
 A1 - Parking Requirements,
 D7 - Design quality,
 CP8 - Environment,
 D10 - Dwelling Sizes,
 D12 - Amenity space,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable.
Proposed dwelling measures approx. 86sqm.

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 £10,750.00. With index linking this increases to approximately £14,250.00.

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	£1079
Somerset County Council	£270

6 Year Payment

Taunton Deane Borough	£6474
Somerset County Council	£1619

Determining issues and considerations

The site lies within the settlement boundary of Kingston St Mary. The site is considered to be a sustainable location and principle of development on the site is therefore acceptable.

Highways

The Highway Authority has referred to Standing Advice in their response.

The new access to the development is proposed from the private road. No changes or alterations are proposed to the existing private road or the visibility at the egress onto Lodes Lane whereas the standing advice refers to creation or alteration to access. The Standing Advice requirements relating to visibility splays are therefore not relevant in this instance.

Policy A1 requires two off street car parking spaces for a two bed dwelling. Two spaces are proposed to the front (north-east) of the dwelling.

A number of residents have raised concerns regarding the applicants right of access over the access lane and claim the right of access over the lane to a domestic use has not been proven.

The application has been submitted with the relevant notices served on the owners of the property. However should an approval be granted this does not imply rights over third party land without the owners consent.

Residential Amenity

It is considered that given the orientation of the existing and proposed dwellings and distances between, residential amenity of existing properties should not be adversely affected.

The design of the dwelling incorporates a private amenity space to the rear of the proposed dwelling which is to be enclosed with a stone wall with fence above along the south-eastern boundary, a 1.8m high close boarded fence along the south-western boundary and native hedging along the north-western boundary.

Visual Amenity

The dwelling would be one and a half storeys high and not significantly higher than the existing agricultural buildings on the site. Whilst the footprint is in a slightly different location than the existing building it is considered that the location would allow for a more traditional residential layout with private amenity space to the rear. The dwelling is proposed to be constructed in natural local sandstone with a clay tiled roof which are considered to be in keeping with the area.

A landscaping scheme along the north-western boundary is indicated on the proposed plans however the proposed planting is located outside the application site. Therefore a condition has been included to require the submission of a landscaping scheme which should include planting along the site boundary.

Impact on Listed Buildings, Conservation Area and AONB

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area when deciding whether to grant planning permission and Section 66 relates to the setting of listed buildings.

The Conservation Officer has visited the site and concluded that the development in this location would not harm the setting of the Grade I listed church. The removal of the second barn would improve the appearance of the conservation area. The development is therefore considered to be in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy CP8 of the Core Strategy.

The AONB Services Officer has raised concerns regarding the design of the building and its potential impact on the character of the AONB in this location. It is considered that the proposed dwelling is modest in scale, using materials in keeping with the architectural vernacular. The character of the edge of the village will change in this location, but the change is considered to be beneficial to, and in keeping with, the primarily residential character.

Conclusion

It is considered that the proposal complies with adopted policies and, subject to conditions listed, approval is recommended.

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

Contact Officer: Denise Grandfield

31/18/0010

ACUTE BUILDING DESIGN LTD

Erection of two single storey extensions at the rear of 21 Woodlands Drive, Ruishton

Location: 21 WOODLANDS DRIVE, RUISHTON, TAUNTON, TA3 5JU

Grid Reference: 326226.124953

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:

(A4) DrNo PL-201 Location Plan

(A4) DrNo PL-202 Site Plan

(A3) DrNo PL-101 Proposed Elevations

(A1) DrNo PL-102 Proposed Ground Floor Plan

(A1) DrNo PL-103 Proposed Floor plans

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

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

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

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

Permission is sought for the erection of two single storey extensions to the rear of the existing dwelling, one to the rear of the garage and one to the rear of the main house.

The application comes before committee as the applicant is related to a member of staff.

Site Description

21 Woodlands Drive is a detached brick built dormer bungalow with a tiled roof. There is a garage to the west of the property with a flat roof linking the garage to the main dwelling. There is an existing hedge to the north of the property and fencing to the east and west.

Relevant Planning History

No relevant planning history

Consultation Responses

RUISHTON & THORNFALCON PARISH COUNCIL - No comments to make.

Representations Received

No comments received.

Planning Policy Context

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

The development plan for 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,

This takes into account the recent adoption of the SADMP.

Determining issues and considerations

The main consideration in determining this application is the impact upon the neighbouring properties.

The two single storey extensions, one off the rear of the main dwelling measuring approximately 4.2m x 9.2m and one linking and extending the existing garage to the main dwelling measuring 10m x 4.1m are to be flat roofed structures. It is considered that the use of the flat roofs will reduce the impact upon the neighbouring properties. There is a 1.8m fence along the western boundary. The fence will reduce the impact of overlooking to the neighbouring property. The eastern boundary consists of a fence with trellis, there are no windows proposed along the eastern boundary of the extension projecting from the main dwelling, it is therefore considered that there will be no significant harm from overlooking. An existing hedge will screen the proposal from the neighbours to the north.

The proposal amounts to a 55% increase in floor area which will result in the loss of 25% of the rear garden area. However the proposal maintains adequate amenity space and is considered to comply with policy D5 as it is considered subservient.

The extension projecting from the main dwelling will extend to within 0.5m of the existing boundary hedge, and will measure 9.2m in length. It should be noted that whilst this is a large extension, approximately 1.5m longer than the main dwelling, under Schedule 2, Part 1, Class A of the General Permitted Development Order (GPDO) 2015 the applicant could erect a 8m extension under the householder notification process.

The proposal includes render to the principal elevation and alterations to the dormer, these changes are considered acceptable and to not have a significant impact on the visual amenity of the area.

It is therefore recommended that planning permission be granted.

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

Contact Officer: Briony Waterman

Supplementary Report

Applicant: ROSE AND CROWN INN

Description of Development

Change of use of public house and curtilage to 1 No. residential dwelling at Rose and Crown Inn, Woodhill Road, Stoke St Gregory

Introduction

The application was considered at Planning Committee on 28 February 2018, where a decision was deferred for six months for additional information to be requested from the applicant, namely:

'Clarification on marketing in particular viewings and offers received. Investigation of alternative uses and the opportunity for the Parish Council to submit a business plan'.

A copy of the report is attached in Appendix A.

Update to report

Response from Stoke St Gregory Parish Council

Stoke St Gregory Parish Council is in a difficult position. All members of the Council would prefer to see both of the pubs in the village remaining commercially successful, but we have been preparing for the eventuality that either or both pubs (and the shop) could close.

The location of the Rose and Crown makes it far less suitable for purchase by the community as a combined pub and shop, whereas the location of the Royal Oak is ideal. The PC does have contingency plans for the purchase of the Royal Oak for this purpose, including a business plan and the support of the Plunkett foundation, but we have not yet acted on them specifically so as to avoid competition with the Rose and Crown.

We have conducted a survey of all residents which demonstrates strong support for a community enterprise should it prove necessary.

We understand that a commercial sale of the Rose and Crown has recently been agreed, and that the application for a change of use may therefore be withdrawn, but it was felt that the position of the PC should nevertheless be made clear.

Marketing

The Rose and Crown has been marketed since November 2016, with a price reduction in April 2017.

The pub has been marketed on the internet and in print on various sites.

Since November 2016 653 sets of sales particulars have been requested and sent out.

There have been seven viewings since November 2016 and no offers were received from November 2016 to April 2018. One offer was received in April 2018 (below asking price). However the sale fell through in August 2018.

Accounts

The business accounts have been submitted for the period from 1 December 2015 to 31 May 2017, which indicated a small profit from 1 December 2015 to 31 May 2017. However this would appear to demonstrate that the business is not viable.

Recommendation

The above information clarifies the marketing exercise carried out and also the Parish Councils response to the opportunity to submit a small business plan.

The application is recommended for approval subject to conditions listed in the attached earlier report.

Taunton Deane Borough Council

Planning Officer's Report and Recommendations

Applicant: ROSE AND CROWN INN

Description of Development

Change of use of public house and curtilage to 1 No. residential dwelling at Rose and Crown Inn, Woodhill Road, Stoke St Gregory

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:

(A4) Floor plans
(A4) Site location plan
(A4) First floor plans
(A4) Block plan

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

3. The development hereby approved shall not be occupied or the use commenced until space has been laid out within the site for the parking and turning of vehicles, and such the areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development. The parking area shall be of sufficient size to accommodate three cars.

Reason: To ensure that there is adequate space within the site for the parking and turning of vehicles clear of the highway, in the interests of highway safety.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

Proposal

The application proposes the change of use of the public house, The Rose and Crown, (Class A4), to a single dwelling (Class C3). The existing terraces and car park would become the garden and car parking for the occupiers of the dwelling.

Site Description

The site lies in the hamlet of Woodhill, near the village of Stoke St Gregory. There are residential properties to the east and south with open agricultural land to the west.

Relevant Planning History

36/08/0009 - Reconstruction and extension to pub - Approved - 20 October 2008

Consultation Responses

STOKE ST GREGORY PARISH COUNCIL - We are unable to support the application on grounds that the planning statement is significantly flawed and there are factual inaccuracies.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice applies

PLANNING POLICY - No comments received

WESSEX WATER - No comments received

Representations Received

WARD CLLR STONE - I object to the proposed change of use and the loss of the public house which has been a popular venue for people to visit from a very wide area for decades. While the pub appears to have lost a lot of its trade recently it's reputation is such that it seems likely that it could be revived as a viable business with new owners or a different approach from existing owners. The planning statement appears to be inaccurate in a number of ways which suggest that the business is less viable than it actually is. While the Rose and Crown is not the only pub in Stoke there is only one other and this is also for sale and there is a distinct possibility that this one could also close in the foreseeable future. This possibility should be taken into consideration when this application is considered.

Twenty two submissions have been received objecting to the proposal on some or all of the following grounds:

- loss of an essential local facility
- loss of local employment opportunities
- the proposal is contrary to policy
- a number of inaccuracies in the report
- the business is well loved and extensively used by residents and visitors
- it is possible to build a healthy and viable business
- supports the local economy

One response refers to inaccuracies in the applicants report regarding a meeting of two parish councillors with two owners of businesses and that the meeting was not a parish council meeting.

Two representations received following the re-consultation exercise stating there were no changes in the situation.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

DM1 - General requirements,
DM2 - Development in the countryside,
CP2 - Economy,
CP3 - Town centre and other uses,
C4 - Protection of community facilities,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of a dwelling is CIL liable.
Proposed dwelling measures approx. 350sqm.

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 £43,750.00. With index linking this increases to approximately £53,000.00.

Determining issues and considerations

The main issues here are the policy considerations and Policies CP3 and DM2 of the Core Strategy and C4 of the Site Allocations and Development Management Plan are of particular relevance.

Policy CP3 relates to Town and other Centres and states at a. iv. Within the rural areas proposals for new rural services including shops, public houses, Post Offices and surgeries will be permitted within the defined settlement limits. Proposals which would result in the loss of such services will not be permitted where this would damage the vitality and viability of a settlement or increase car travel by local residents unless it can be independently proven to be unviable for re-use for local service provision.

The applicant has indicated the pub has been with two agents, including a national specialist, and has submitted evidence of a marketing strategy which commenced in 2014 and has been continuously marketed since November 2016. Advertising has been carried out on the internet and in national trade press. It was not considered appropriate to place a For Sale board on the property. A number of people have viewed the property on line, with two viewings. No offers have been received. The property has been reduced from £425,000 to £395,000. Details of the marketing documents have been submitted with the application.

Whilst submissions would indicate there is still a local need for the facility, information submitted with the application would indicate that the pub is no longer financially viable with turnover in 2016 being half that of 2012.

It is considered that the applicant has shown that the current use is not viable in the long term and has advertised the premises for in excess of the 12 months required with no success. The building is not in the settlement limits of the village and consequently it is not considered that the loss of this facility would damage the vitality/viability of the village given that there is a public house within the village boundary. The loss of the pub here consequently would not result in an increase in car travel by locals.

Policy C4 of the Site Allocations and Development Management Plan seeks to prevent the loss or change of use of existing community, cultural and social facilities. A public house is considered to constitute a community facility. The submitted report indicates that the use of the pub has significantly reduced to a point where it is unviable and there are no facilities beyond the food and drink use. In addition it is claimed that there is not a need and there is no similar community use that it could be put to.

Policy DM2 of the Core Strategy also seeks to support conversion of existing buildings to alternative uses and sets out a sequential approach to alternatives. The sequential test to be followed gives the following order of priority:

- i. Community use;*
- ii. Class B business use;*
- iii. Other employment generating uses;*
- iv. Holiday and tourism;*

- v. Affordable, farm or forestry dwellings;*
- vi. Community housing;*
- vii. In exceptional circumstances, conversion to other residential use.*

Alternative community facilities are located within the village of Stoke St Gregory, including a village store and a pub, two churches and a licensed hall. These amenities cater for the village and no other identified need has been established in this location. B class business uses and other employment generating uses have been looked at and it is claimed the nature of the building and site mean it is not easily adaptable to business use, particularly given the car park and limited parking.

The building could be used as a single holiday let, however there are often amenity issues with lets of this size and the lack of garden space and proximity to the road may affect potential rental value and occupancy rates. The agent claims that the letting rate is likely to be below the national average in this location and unlike other lets of this size the property is not sub-dividable, so could not be let to smaller groups. It is claimed that even if the national average occupancy rate of 21.5 weeks were achieved this would not cover the running costs and business rates.

A Housing Needs Survey carried out in 2016 indicated there was no additional need for affordable housing within the Parish given existing housing options. The building as it stands would not be likely to meet an affordable need and subdivision would be unsuitable and not provide satisfactory smaller units. Consequently the residential option of DM2.7.b.vii is considered acceptable.

The applicant's agent has responded to the allegations of inaccuracies in the planning report and the Parish Council and local residents have been given a further opportunity to comment on the additional information.

Confirmation has been received from the Council's Economic Development team that the Rose and Crown is not included on the Council's list as an Asset of Community Value.

There is an existing access and car parking area to the south of the pub. It is considered that the continued use of this area for access and parking for one dwelling would be of less intensity than the current use and would therefore be acceptable. Given the size of the proposed dwelling it would be appropriate to provide three off-street parking spaces plus turning facilities within the site in accordance with the Highways Authority requirements.

The proposal for the change of use of the building addresses the relevant policies. The marketing of the pub use has been complied with and the viability reports shows a loss of trade and a recent trading loss and as there are alternative facilities within the village it is regretful that approval is recommended.

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

Contact Officer: Denise Grandfield

Supplementary Item

38/18/0165

Applicant: A.P. & S.M. PARRIS & SON

Description of Development

Variation of condition 03 (occupation of annexe by seasonal farm workers) of planning approval 38/11/0687 at Cutliffe Farm, Sherford.

Introduction

The above application was recommended for approval and approved by the Chair of Planning Committee on 8 July 2018. The conditional approval was issued on 11 July 2018. A copy of the report and decision are attached in Appendix 1.

However under the Taunton Deane Borough Council Delegated Powers the application should have been reported to Planning Committee for consideration and determination as four submissions and an objection from the Ward Councillor were received during the assessment of the application.

Update of Report

For clarification, the following submissions were received:

Five representations received objecting to the application on some or all of the following grounds:

- protection of the Vivary Green Wedge
- increase in traffic using Sherford Road
- increased hazard for cyclists and pedestrians
- the units are being let out to hospital workers not just seasonal farm workers

One representation was received from the Ward Councillor, Councillor Berry, making the following comments:

This item was the subject of an earlier dispute in which the planning committee reversed a recommendation by officers.

I wish to record my objection to this proposal. The Vivary Green Wedge needs to be protected and allowing the annexe at this farm to be used for letting to non-agricultural workers (and or non-seasonal workers) would drive a coach and horses through this Council's continuing policy of protecting the green spaces around the town. As well as allowing permanent lets in the green wedge, it would affect traffic by vastly increasing the usage of Sherford Road. This accommodation was built to accommodate seasonal agricultural workers and if this purposes has changed then it should be a full application. Such an application would likely to be refused.

There may of course be a good legal/technical reason for allowing this application to be approved. I do hope not but if there is it should be explained in an open session of the Planning Committee.

Recommendation

That Planning Committee endorse the recommendation to approve the application.

Taunton Deane Borough Council

Planning Officer's Report and Recommendations

Applicant: A.P. & S.M. PARRIS & SON

Description of Development

Variation of condition 03 (occupation of annexe by seasonal farm workers) of planning approval 38/11/0687 at Cutliffe Farm, Sherford.

Recommendation

Recommended decision: Approval

Recommended Conditions (if applicable)

1. Within one month of the date of this approval, details of the date of commencement of the use shall be submitted to the Council. The use hereby permitted shall be discontinued within three years of the date of its commencement.

Reason: The use of the building for non-agricultural workers will need to be reassessed in terms of the ongoing agricultural need.

2. The use of the accommodation for non-agricultural workers shall be limited to between February and July each year.

Reason: The use for non-agricultural workers would require further assessment.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Proposal

The application, submitted in retrospect, proposes the amendment of condition 3 attached to approval 38/11/0687 from:

'The occupation of the extension hereby permitted shall be limited to seasonal workers solely or mainly working at Cutliffe Farm' to 'For a period of three years the premises may be let to non-seasonal agricultural workers when not required for agricultural workers accommodation'. The applicant has clarified that the condition is required to be amended to allow the use of the accommodation for non-agricultural workers outside of the season when the accommodation will still be required for agricultural workers. The use is proposed for a temporary period of two to three years.

The applicant has also confirmed that the potato harvesting and grading season begins in August and ends in January with seasonal variations.

Site Description

Cutliffe Farm is situated in the countryside, just outside of Taunton and accessed from Sherford Road and Mountfields Road. The site is a well established farmyard consisting of a large number of buildings, mainly modern with some of traditional style. Various permissions have been granted in recent years for new farm buildings. A network of public footpaths pass in close proximity to the farm, but do not pass through the farmyard itself. The site lies within the Vivary Green Wedge and outside the defined settlement boundary.

The farmhouse is Grade II listed and the traditional stone and slate building to the north-west of the farmhouse is curtilage listed. This building provides toilet and wash facilities, lounge and kitchen on the ground floor with sleeping accommodation comprising ten bedrooms above.

Relevant Planning History

38/11/0687 - Erection of annexe to accommodation block to accommodate seasonal farmworkers - Approved - 14 March 2012

38/12/0229/LB - Erection of residential annexe to provide seasonal farmworkers accommodation - Approved - 23 July 2012

38/16/0227 - Change of use of land from siting of agricultural workers accommodation to siting of holiday accommodation - Refused and dismissed on appeal

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice applies

SCC - RIGHTS OF WAY - No comments received

ENVIRONMENT AGENCY - No comments received

WESSEX WATER - No objection

Representations Received

Five representations received objecting to the application on some or all of the following grounds:

- protection of the Vivary Green Wedge
- increase in traffic using Sherford Road
- increased hazard for cyclists and pedestrians

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

DM1 - General requirements,
DM2 - Development in the countryside,
SP1 - Sustainable development locations,
SB1 - Settlement Boundaries,
CP8 - Environment,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Not applicable

Determining issues and considerations

The existing building is limited by condition for the use by agricultural workers working at Cutcliffe Farm.

In support of the application, the applicants agent has stated that the agricultural workers are not required to use the approved accommodation year round and there is a demand for student doctors to secure short term accommodation.

The site is located within an area of open countryside where the formation of new residential development is strictly controlled.

Policy SP1 requires that development is in sustainable locations. Residential development outside the defined settlements is considered to be in the open countryside.

The site lies outside a defined settlement boundary where policy DM2 sets out the types of development. The re-use of existing buildings requires a sequential approach and only in exceptional circumstances would the conversion to residential use for the open market be permitted. No information has been submitted with the application to demonstrate that the sequential approach has been followed.

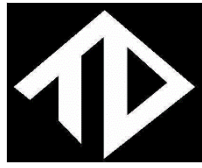
However, given that the use would be retained for seasonal workers for at least six months of the year, and would be used for open market purposes when not needed for the approved use and for a temporary period of two to three years, the use for non-agricultural workers would have no greater harm on the green wedge and the wider countryside.

No changes are proposed to the existing access and parking arrangements. It is considered there is sufficient space within the ownership to accommodate parking.

The proposal is considered acceptable subject to conditions limiting its use and approval is recommended.

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

Contact Officer: Denise Grandfield



**TAUNTON
DEANE**
BOROUGH
COUNCIL

PLANNING & ENVIRONMENT

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MR P BROOM
THE ESTATE OFFICE
APRIL COTTAGE
STOKE ST GREGORY
TAUNTON
TA3 6JQ

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)

Application No: 38/18/0165
Proposal: Variation of condition 03 (occupation of annexe by seasonal farm workers) of planning approval 38/11/0687 at Cutliffe Farm, Sherford.

Application Type: Removal or Variation of Condition(s)
Grid Reference: 322911.122986

Taunton Deane Borough Council under the above Act hereby GRANT PERMISSION for the above development.

The development must be carried out in accordance with the application and accompanying plan(s) submitted to the Council:

- 1 Within one month of the date of this approval, details of the date of commencement of the use shall be submitted to the Council. The use hereby permitted shall be discontinued within three years of the date of its commencement.


Reason: The use of the building for non-agricultural workers will need to be reassessed in terms of the ongoing agricultural need.

- 2 The use of the accommodation for non-agricultural workers shall be limited to between February and July each year.

Reason: The use for non-agricultural workers would require further assessment given the location and access.

NOTES TO APPLICANT

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

T. R. 

ASSISTANT DIRECTOR, PLANNING & ENVIRONMENT

Date: 11 July 2018

N.B. Notes of the applicant's rights are overleaf.

NOTES

(1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so **within 6 months of the date of this notice**. Appeals can be made online at <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000 The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within six months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

(2) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) In certain circumstances, a claim may be made against the Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

(4) Having regard to the powers of the Highway Authority under the Highways Act, 1980, you should consult the Planning Liaison Officer, County Highways, Somerset County Council, County Hall, Taunton, TA1 4DY (Telephone: 0845 345 9155) in respect of a proposal within or immediately adjacent to a public highway (e.g. footpath and margin crossings, piping of ditches, construction of waiting bays etc.).

(5) This permission does not authorize you to stop up or divert a public right of way in order to enable the development permitted to be carried out. Separate legal steps are necessary for this, and, if required, further information can be obtained from the Diversion Order Office The Deane House, Belvedere Road, Taunton, TA1 1HE (Telephone 01823 356300).

(6) You are advised to investigate the possible existence of apparatus of Statutory Undertakers before commencing the development.

(7) In the case of development which will result in (1) buildings or premises to which the public are to be admitted whether on payment or otherwise, or (2) office premises, shop premises and railway premises to which the Office, Shops and Railway Premises Act, 1968, applies; premises which are deemed to be such premises for the purpose of that Act, or factories as defined by Section 175 of the Factories Act, 1961: being premises in which persons are employed to work, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act, 1970, in connection with (1) and to Sections 8 and 8A of that Act and the Code of Practice for Access for the Disabled to Building (i.e. British Standards Institution Code of Practice referred to as BS 5410:1971) in connection with (2).

(8) In the case of development which will result in the provision of a building intended for the purposes of (1) a university, university college or college or a school or of a school or hall of a university; or (2) a school within the meaning of the Education Act, 1944, a teacher training college maintained by a Local Education Authority in England or Wales or any other institution providing further education pursuant to a scheme under Section 42 of that Act, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act, 1970, and Design Note 18 "Access for the Physically Disabled to Educational Buildings", published on behalf of the Secretary of State for the Environment.

(9) This decision notice Certificate does not purport to convey any approval or consent which may be required by any byelaw, order, regulation or any enactment other than the Town and Country Planning Act, 1990. In particular it may be necessary to submit an application for approval under the Building Regulations, advice on which may be obtained from the Building Control Officer, The Deane House, Belvedere Road, Taunton. (Telephone: 01823 356470).

43/15/0006

LANCER SCOTT LTD

DEMOLITION OF MILL BUILDING AND ERECTION OF 8 No DWELLINGS WITH ASSOCIATED ACCESS AND LANDSCAPING AT HAYMANS MILL, PAYTON ROAD, WESTFORD, WELLINGTON (REVISED SCHEME TO 43/14/0053)

Location: FORMER HAYMANS MILL, PAYTON ROAD, WESTFORD,
WELLINGTON, TA21 0EA

Grid Reference: 312044.120286 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval subject to the completion of a suitable legal agreement to secure off-site provision of children's play equipment consisting of a multi-unit climbing modular unit with slide and a small pod swing, plus installation costs. The equipment to be installed at the TDBC play area in Warren Street.

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 2856.04.103 Rev B Proposed Street Scene Elevations
(A1) DrNo SK01 - C15 1399 Proposed Drainage Strategy
(A4) DrNo SK02 - C15 1399 Sketch
(A3) DrNo SK03 - C15 1399 EA Westford Reservoir Location
(A1) DrNo 2856.04.100 Rev C Proposed Plots 1-3 Plans & Elevations
(A1) DrNo 2856.04.101 Rev C Proposed Plots 4-6 Plans & Elevations
(A1) DrNo 2856.04.102 Rev C Proposed Plots 7-8 Plans & Elevations
(A1) DrNo 2856.04.050 Rev D Proposed Site Plan
(A1) Plan HM-HYD-00-XX-DR-C-7001 P2 Proposed drainage strrtategy option
2

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

3. Unless otherwise agreed by the Local Planning Authority, development other

than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

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

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

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

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

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

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

f) Long Term Monitoring and Maintenance

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

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

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved detailed plans showing the realignment of the culvert shall be submitted to an agreed in writing by the Council. The agreed alignment shall be completed prior to the

occupation of the dwellings hereby approved.

Reason: To ensure the satisfactory drainage of the site

5. Prior to occupation of the dwellings, 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. The works shall thereafter be retained and maintained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

6. Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interest of highway safety

7. 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 the units are occupied and thereafter maintained at all times.

Reason: In the interest of highway safety

8. The area allocated for parking and turning on the submitted plan (drawing no 2856.04.050 Rev B) shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety

9. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines 2.4m back from the carriageway edge in the centre line of the access and extending to points on the nearside carriageway edge 31m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced use and shall thereafter be maintained at all times.

Reason: In the interest of highway safety

10. 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 Acorn Ecology's submitted reports, dated May/June 2013 and July/August 2013, 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. Arrangements to secure the presence of a licensed bat worker to be present on site to monitor the demolition

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

Reason: To protect and accommodate bats, nesting birds and reptiles

Notes to Applicant

1. 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 bats, nesting birds and reptiles will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal.

Bats are known to use the building(s) as identified in Acorn Ecology's report, dated May/June 2013. 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.

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

2. 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.

3. Where works are to be undertaken on or adjoining the publicly maintained highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the Traffic and Transport Development Group, County Hall, Taunton, TA1 4DY, or by telephoning 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

Proposal

The application proposes the demolition of the mill building, the erection of eight dwellings and the formation of a new access and landscaping. The dwellings consist of two terraces of three dwellings each three storeys in height and a pair of semi-detached three storey dwellings. The dwellings are to be constructed in render and brickwork with a concrete tiled roof. Eighteen car parking spaces are proposed along the south-eastern boundary

The application site has an extensive history of planning applications for a variety of residential purposes including the conversion of the mill and extension to form 21 apartments in 2008.

Site Description

The site lies within the defined settlement boundary, to the south of Rackfield, from which vehicular access will be taken. Residential development is located to the north, with a reservoir located to the south.

The mill building was formerly used in connection with a Coal Merchants, with the remainder of the site being covered with a concrete handstanding. The site slopes gently down towards the east.

Relevant Planning History

43/07/0087 - Conversion of mill building and extension to form 21 two bed apartments - Approved - 27 March 2008

43/14/0053 - Erection of 8 no. dwellings -16 June 2014 - Withdrawn

Consultation Responses

WELLINGTON TOWN COUNCIL - Recommended that, although Wellington Town Council support the principle of development on this site, the current proposal was not acceptable and therefore permission should be refused for the following

reasons:

- The proposal would not be in keeping with the surrounding area
- The proposed development would result in the loss of this important heritage mill building.

SCC - TRANSPORT DEVELOPMENT GROUP -

The Highways Authority's comments to the previous application 43/14/0053 was 'no objection'. However consideration should be given to the boundary treatment at 'No 1' to allow maximum accessibility for local users.

Parking/turning and visibility at the vehicular access as stipulated in the Standing Advice Guidance document would also apply.

Proposed Drainage Strategy

Proposed Drainage Strategy – Option 1, drawing no. HM-HYD-00-XX-DR-C-7000 rev P1

Proposed Drainage Strategy – Option 2, drawing no. HM-HYD-00-XX-DR-C-7001 rev P2

In relation to the above application and having reviewed the submitted amended drainage drawings above it is noted that the estate road is to remain private on the basis that the development does not directly connect to the existing public highway network. With this in mind, Highway Authority comments relating to this proposal are limited to the following:

Land drainage consent will be required from the Lead Local Flood Authority to undertake temporary or permanent works in an ordinary watercourse such as those proposed (construction of headwall) as part of the drainage strategy. The designer should contact Didier Lebrun for information at the following email address:

JLebrun@somerset.gov.uk

SCC - RIGHTS OF WAY - We have no objections to the proposal, but the following should be considered:

1. General Comments

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

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

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.

- Changes to the existing drainage arrangements associated with the PROW. If the work involved in carrying out this proposed development would:
- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:
<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

WESSEX WATER - Wessex Water has no objections to the amended plans

DRAINAGE ENGINEER - I note that the supporting statement under Flood Risk the impermeable area is reducing from 100% to 60%. However it is not clear from the plans provided what areas are returning to gardens only.

I note that permeable parking is to be provided. Have porosity tests been carried out to ascertain whether the underlying strata is porous?

A reference is made that the culvert running through the site is redundant. I do not believe this to be correct. Can the applicant explain how this assumption was reached? The layout for properties 4-6 is still very close to the culvert. Have investigations been carried out to ascertain its exact position?

The information need to be provided before any final observations can be made.

HOUSING ENABLING - No requirements for sites less than 10 dwellings

HERITAGE - Recommend refusal on the basis of substantial harm to an undesignated heritage asset.

LANDSCAPE - The proposed development will impact the character of this small community. The housing will be clearly viewed from the public footpath and community woodland to the south.

If permission is to be granted a condition requiring the submission of a landscaping scheme should be included.

BIODIVERSITY - The site comprises of a derelict building with no roof and large areas of concrete slabs with patches of tall ruderal vegetation and small patches of scrub. Building materials have been stored on site.

Numerous previous surveys have been undertaken on site. In 2005, bats were excluded from the building under licence and a new bat roost was created nearby.

Acorn Ecology carried out a Bat survey report of the site in May/June 2013 and a

reptile survey in July/August 2013. Findings of the report are as follows

Bats - No bats were seen during the March 2013 survey. Two evening emergence surveys were carried out in May and June 2013. No bats were seen emerging from the building but 24-25 bats were recorded commuting within the site. The bats were thought to be common pipistrelle, soprano pipistrelle and noctule.

I agree that the current state of the building is unlikely to support bats due to the building's open light and draughty nature. However there is potential that individual bats may be present in crevices of the building. I agree that an EPS licence is required to develop the site. I support the bat mitigation plan proposed in Appendix 3 (Conservation Action Statement) of the report. The location of the proposed bat tubes should be shown on the architectural drawings

Birds - The Sunflower International Ecological Report carried out in 2011 noted a pair of sparrows nesting in the building.

Checks for nesting birds should be undertaken immediately prior to demolition of the building. I support the proposal to erect sparrow terraces.

Reptiles

The site offers favourable habitat for reptiles so a survey was carried out during the summer months of 2013. Slow worms and grass snakes were found in the southern area of the site. Prior to development of the site, I support the translocation of reptiles off site.

If permission is granted, conditions are proposed.

DIVERSIONS ORDER OFFICER –

Reiterated comments made on previous application:

The Public that demolition work Footpath WG17/23 runs in close proximity to the proposed development site. The width of the path must not be encroached on. Subject to planning consents being granted health and safety measures should be put in place informing would-be path users that demolition work is in progress.

SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY - SIAS has had a long-standing interest in the woollen industry at Westford, associated with the former company W. & T. Elworthy, of which this mill is a remnant of a much larger industrial complex.

Chiefly through the historical research of the society's Archivist, the society was able to bring about the involvement of Michael Williams, author of the English Heritage volume *Textile Mills of South West England* (2013) who visited in 2003 and carried out a survey on that part of the works now demolished. In addition SIAS informed the archaeological investigations by Exeter Archaeology during the demolition period in 2007-8. The society also compiled a detailed report on the Elworthy satellite site of Prowse's Mill which it published in 2003.

At that time the future of the Hayman's site was unresolved and it remained

unrecorded. SIAS would therefore stress that *the historical significance and the need to undertake professional investigative work is of paramount importance in any outcome to this planning application*. To this end SIAS has provided an outline history of Hayman's Mill (Appendix A) and illustrations highlighting the need for interpretation (Appendix B).

A fundamental flaw with this application is that the historical information and investigation in the documents is sketchy in the extreme and there is lacking a full Heritage Statement either as a stand alone or within a Design and Access Statement.

Since 1996 SIAS, in its role as a Non-Statutory Consultee, has responded to each and every application for this site which has essentially offered two diametrically opposite solutions: either demolition or conversion. Our stance has been consistent in favouring the latter as the society's policy is to encourage adaptation of former industrial buildings wherever possible. But there have also been changes in planning policy guidance over this period from PPGs and PPSs through to the NPPF. Being unlisted Hayman's Mill would fall within the category of a *non-designated historic asset*. In Section 12,

Conserving and Enhancing the Historic Environment, paragraphs 128 and 135 seem particularly relevant. SIAS would also draw attention to the fact both the NPPF and TDBC's planning policies promote sustainability which would clearly not be the case if the materials and energy invested in this existing building were simply discarded by the bulldozer.

SIAS notes the comments of the local authority's Planning Officer (Conservation) in relation to heritage and planning policy matters which give further credence to our overall view that proposals in relation to the future of this site should be reconsidered.

In the 19th century the mill was physically connected to the house, a common occurrence in the woollen industry whereby the manufacturer could have the security of locating the wool rooms close to his residence. As Westford House is listed Grade II, the mill site could be seen as a curtilage issue.

SIAS accepts that the case for conversion is a difficult one but there appears no justification for Paragraph 4.1 of the Planning Statement that Hayman's Mill is uneconomic to repair and convert. The Structural Survey of 2006 said that the external walls were sound but this was at a time when the roof and floors were in place. *This is an area which needs revisiting*.

SIAS understands the concerns over density of housing units and highway issues. One solution worth considering in relation to these is to retain for conversion the more historic section of Hayman's Mill in order to develop a limited number of generously sized apartments. Only a short distance from Hayman's Mill is the transformed woollen factory of Prowse's Mill which provides two spacious units of accommodation. The Social Housing provision could probably be made off-site.

In conclusion, the stance of SIAS in relation to this application is *an objection* not only in principle i.e. opposing demolition but also that it is deficient in detail particularly with regard to heritage issues. Should the local authority consider that a

conditional approval is the preferred way to progress this application, SIAS would press for a constraint requiring a full building and archaeological survey. This should include the phasing and previous alterations to the mill and its environs with intrusive archaeology where appropriate. SIAS would be pleased to co-operate with these activities.

LEISURE DEVELOPMENT - In accordance with Local Plan Policy C4, provision for play should be made for the residents of these dwellings.

Off-site provision consisting of a multi-unit climbing modular unit with slide and a small pod swing, plus installation costs should be sought. The equipment to be installed at the TDBC play area in Warren Street. The cost of equipment and installation to the developer being £23,952.00.

ENVIRONMENT AGENCY - The Environment Agency (EA) can now WITHDRAW its earlier objection, as the proposal for surface water drainage is no longer crossing EA land.

Surface water issues now lies within the remit of the Lead Local Flood Authority (LLFA) who should be consulted, and who have been copied this letter.

We would like to use this opportunity to flag to the LLFA that in the past the applicant did not want to use this stream as a discharge point due to complications around the culvert. We would have concerns with the applicant discharging into the stream and we would recommend the LLFA requests a detailed design of the surface water networks and a survey of the culvert downstream of the site, the railway culvert and the stream to demonstrate there is enough capacity for the additional discharge.

ENVIRONMENTAL HEALTH - The site has a past history of commercial use and the proposal is for residential use. Therefore, I would recommend that the standard contaminated land condition be used for this application.

I note that a site investigation report has been submitted with the application (South West Geotechnical 2005) which could be used to provide some of the information needed to meet the contaminated land condition. However, it should be reviewed to ensure that it is up to date and the developer would need to provide additional information detail regarding proposed remedial works.

LLFA - The applicant is proposing to utilise onsite attenuation with a controlled discharge to the existing watercourse. The LLFA has no objections to this application

Representations Received

Representations received from fourteen residents making some or all of the following comments:

- increase in number of vehicles using Rackfield requiring parking and access, including farm machinery and emergency vehicles
- increase in hazards to vehicles and pedestrians
- the condition of the road surface in the area is dangerous
- poor visibility for vehicles entering Payton Lane from Rackfield
- loss of privacy to adjoining properties
- no garages shown on the drawings
- proposed car parking is located too far away from the dwellings, meaning cars will be parked on Rackfield out of convenience
- proposed house designs are not sufficiently detailed
- a number of errors have been identified in the supporting statement
- proposal fails to address drainage concerns, including surface water drainage
- increased social problems

Following reconsultation four further representations have received:

- the applicant has placed the culvert within our marked boundary on the drawing. The applicant has made no contact with us regarding this matter.
- the junction of Rackfield with Payton Road is very dangerous
- pedestrian gates onto a narrow lane will make collisions more likely
- no provision for play areas
- impact on wildlife - bats, tawny owls and grass snakes on the site
- increased traffic onto narrow lane
- the historical building should be protected
- issues remain regarding the culvert drainage

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.

ROW - Rights of Way,
 DM1 - General requirements,
 SB1 - Settlement Boundaries,
 SD1 - Presumption in favour of sustainable development,
 SP1 - Sustainable development locations,
 A1 - Parking Requirements,
 D7 - Design quality,
 D10 - Dwelling Sizes,
 D12 - Amenity space,
 CP8 - Environment,
 CP4 - Housing,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Not applicable

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	£8633
Somerset County Council	£2158

6 Year Payment

Taunton Deane Borough	£51795
Somerset County Council	£12949

Determining issues and considerations

Principle of development

The site lies within the settlement boundary and the principle of the development is therefore acceptable.

Highways

The Highway Authority raised no objection to the proposal and consider it would be unreasonable to raise an objection to 40 vehicle movements on traffic impact grounds. The Highways Authority has recommended a number of conditions to be included in any approval, including the visibility requirements at the entrance to the site.

The application proposes parking for 18 car parking spaces and 16 cycle parking spaces. Policy A1 requires two spaces for three bedroomed dwellings and no visitor parking where parking is unallocated. It is considered that adequate off-street parking has been provided in accordance with the policy.

There is considered to be sufficient space within the curtilages of the dwellings to accommodate cycle and motorcycle parking.

Residential amenity

Amended plans have been received relocating plots 7 - 8 forward slightly, to improve the relationship with Westford House. It is considered that the development would not have a detrimental impact on the amenity and privacy of the adjoining properties.

The proposed dwellings comply with the size and amenity space requirements set out in policies D10 and D12 of the SADMP.

Visual amenity

Policy D7 requires that new housing creates a high standard of design quality and a sense of place.

The design of the proposed dwellings is considered to be in keeping in terms of scale and materials with the area and other residential development recently constructed nearby.

Drainage

The culvert has been mapped and the applicant proposes realigning the culvert to ensure no encroachment of built form over the line of the culvert. A condition has been included to require details of the realignment prior to the commencement of works.

Existing building

A number of concerns have been raised regarding the demolition of the existing mill building which it is considered to have heritage value. It would appear that the possibility of listing the building has been considered previously and the conclusion was that the building did not meet the relevant criteria. On the basis that the building is not protected and given its current state of repair and the associated costs of conversion, it is considered that its removal and replacement with a modest number of well-designed dwellings is the most appropriate way forward.

Recommendation

Subject to the applicant entering into a S106 agreement to secure the provision of play equipment as detailed above, approval is recommended.

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

Contact Officer: Denise Grandfield

Site: 29 RICHARDS CLOSE, WELLINGTON, TA21 0BD

Application number: 43/17/0133

Proposal: Replacement of garage and shed with the erection of 1 No. dwelling in the garden to the side of 29 Richards Close, Wellington

Appeal Decision: 10 September 2018 Allowed

Site: LAND WEST OF BAGLEY ROAD, ROCKWELL GREEN, WELLINGTON

Application No: 43/17/0002

Proposal: Outline Application with all matters reserved, except for means of access, for the erection of up to 205 dwellings and up to 60 apartments with care (Class C2), with public open space, landscaping, sustainable drainage system and vehicular access points from Exeter Road on land to the west of Bagley Road, Rockwell Green

Appeal Decision: 25 Sep 2018 Allowed



Appeal Decision

Site visit made on 17 July 2018

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10th September 2018

Appeal Ref: APP/D3315/W/18/3195540
29 Richards Close, Wellington, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mitchell Developments Ltd against the decision of Taunton Deane Borough Council.
 - The application Ref 43/17/0133, dated 27 November 2017, was refused by notice dated 2 February 2018.
 - The development proposed is demolition of existing garage and shed and erection of new house in the garden of 29 Richards Close, Wellington .
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and shed and erection of new house in the garden of 29 Richards Close, Wellington, Somerset in accordance with the terms of the application, Ref 43/17/0133, dated 27 November 2017 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
-

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 55036/P/04B; 5036/E/01A; 5036/P/03A; 5036/P/01A; 5036/P/02A; and 5036/P/05 insofar as it relates to fence details.
- 3) Notwithstanding condition 2 above no development shall take place until details of the screening to the balcony have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the dwelling hereby permitted and the screening shall be maintained thereafter.
- 4) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 5036/P/02A.
- 5) The dwelling hereby permitted shall not be occupied until the car parking spaces shown on drawing 5036/P/03A to serve No 29 Richards Close and the permitted dwelling have been laid out and the spaces shall thereafter be kept available at all times for the parking of vehicles.
- 6) The tree and hedge planting shown on approved drawing 5036/P/03A shall be carried out in the first planting season following occupation of the dwelling hereby permitted. All the trees and hedges shown on drawing

5036/P/03A to be retained shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Application for costs

2. An application for costs was made by Mitchell Developments Ltd against Taunton Deane Borough Council. This application will be the subject of a separate Decision.

Preliminary matters

3. The revised National Planning Policy Framework was published on 24 July 2018 and both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework.

Main Issues

4. These are: (i) the effect of the proposal on the character and appearance of the area; (ii) whether the proposals would provide adequate living conditions for future occupiers with regard to internal space; and (iii) the effect of the proposal on living conditions for occupiers of existing property with particular regard to privacy.

Reasons

Character and appearance

5. 29 Richards Close (the host property) is a two storey dwelling at the western end of a group of five terraced properties. A further short terrace is set a right angles and to the north of the appeal site. The appeal site and parking for other dwellings is accessed via a driveway leading from Richards Close.
6. The host property has an irregularly shaped side and rear garden with one boundary backing onto land at Stoneleigh Close. The single entrance porch to the proposed dwelling would align with the existing side wall of the garage which is to be demolished.
7. The proposed dwelling would differ in appearance from other dwellings in the immediate area as it would be detached rather than terraced. The front elevation would be considerably wider than that of the individual terraced houses. However the eaves and ridge height would align with those of the host property and the existing and proposed buildings would be separated by the parking spaces for the host and proposed dwellings. Materials would match those of the host dwelling. The dwelling would be set slightly behind the line of the front wall of the host dwelling. The site is set back from the carriageway of Richards Close and by the existing access drive. Taking all of these factors into account, I find that the development would not appear unduly out of place. I am satisfied that in public views from the highway and approach to other

- dwellings, the development would not harm the character or appearance of the area.
8. At the rear of the house, the footprint of the proposed dwelling would follow the line of south western boundary of the site. Consequently the side of the house would have elevations facing both west and south west. Given the relationship with existing properties I find that this would not be harmful in terms of visual impact. Nor would this proposed arrangement harm views from the public realm.
 9. Although the house would be built partially along the boundary with third party land, in this area of terraced housing I do not find that this arrangement would be unacceptable. A small area of garden would be provided to the west side of the property at the front of the dwelling and the rear garden would be of sufficient size to serve the proposed property without unacceptably reducing the rear garden of the existing property. Accordingly the proposal would not appear cramped or an overdevelopment of the site.
 10. Policy D7 of the Taunton Deane Adopted Site Allocations and Development Management Plan December 2016 (DMP) relates to design quality. This policy requires a high standard of design and sense of place. The proposal would integrate into its surroundings and whilst it would not enhance the street scene, neither will it harm it and the proposal would comply with Policy D7.
 11. Consequently, I find no material conflict with Policy DM1 of the Taunton Deane Core Strategy 2011 – 2028 adopted September 2012 (CS) which sets out general requirements for all development and in particular with criterion 'd' of Policy DM1 which requires the appearance and character of any affected street scene not be unacceptably harmed. Although the Council does not provide any specific design guidance for this area, I find the proposal does not conflict with CS Policy DM4 regarding a sense of place.
 12. The Framework sets out that good design is a key aspect of sustainable development. It also promotes the efficient use of land taking into account, amongst other matters, the desirability of maintaining an area's prevailing character and setting including residential gardens. Gardens in built up areas are excluded from the definition of previously developed land. Nonetheless, I am satisfied that the development of the garden land in this particular case would not harm the prevailing character of the area and that the proposal is consistent with the Framework.

Living conditions for future occupiers

13. The Council's reasons for refusal included the failure of the proposals to meet the space standards set out in Policy D10 of the DMP. The three bedroom dwelling proposed exceeds the minimum floor area required for a three bedroom four person dwelling as set out in the government's nationally described space standards. The submitted drawings do not include stated dimensions for individual room sizes and therefore the width of bedroom 3 is not clear from the plans despite the 1:100 scale drawings. The appellant has confirmed the width to be 2.15m in written evidence with the appeal.
14. The plans appear to indicate bedroom 2 and the utility room would have built in storage although this is not clearly labelled. The appellant has confirmed the extent of internal storage intended and this exceeds minimum standards.

15. Given the dimensions of bedrooms 1 and 2 and the overall internal floor area which exceed minimum requirements I am satisfied that the dwelling would provide adequate living space and Policy D10 would be satisfied.

Living conditions for existing occupiers

16. The proposal includes a triangular shaped balcony off the main bedroom. The south western side of the balcony would directly adjoin third party land and although some of this land is used on a communal basis, I share the Council's concerns with regard to potential loss of privacy. The proposed railings would not secure privacy to users of land outside the site. As part of the appeal, the appellant suggests a screen of 2 metres height would overcome any potential loss of privacy.
17. I consider that the potential loss of privacy relates not only to the south western side of the balcony but also to the south eastern side as there would be potential for persons standing on the balcony to overlook the rear garden of the host property and other gardens beyond in Richards Close.
18. As I have found that the appearance and design of the dwelling is generally satisfactory, I consider that the deficiencies of the balcony with regard to preserving existing levels of privacy could be addressed by a condition to secure appropriate screening.

Other matters

19. In addition to those matters addressed above, concerns are expressed by neighbours regarding access across the shared driveway and parking areas. The highway authority has not raised any specific objections the proposal and, whilst vehicles will need to reverse out of parking spaces such arrangements occur in many private parking areas. In any event, the grant of planning permission does not override any private rights of access or ownership.

Conclusion and Conditions

20. For the reasons given above, I conclude the appeal should be allowed, subject to conditions.
21. A condition is required to specify the approved plans. A condition is also necessary to secure the landscaping proposals shown on the plans. The Council has suggested a number of conditions in the event of planning permission being granted. Control over the materials to be used on the external faces of the buildings is necessary. Securing adequate parking for the existing and proposed dwelling is also necessary. However, removal of permitted development rights requires particular justification and the rights themselves require compliance with various criteria. The Council has not provided any detailed evidence to explain why permitted development rights should be removed in this case and I find the suggested condition would not meet the necessary tests.

J E Tempest

INSPECTOR



The Planning Inspectorate

Appeal Decision

Inquiry held on 13 - 14 February, 24 April, 17 - 19 July 2018

Site visit made on 18 July 2018

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th September 2018

Appeal Ref: APP/D3315/W/17/3179264

Land west of Bagley Road, Rockwell Green, Wellington

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Taunton Deane Borough Council.
 - The application Ref 43/17/0002, dated 23 December 2016, was refused by notice dated 6 April 2017.
 - The development proposed is the erection of up to 205 dwellings and up to 60 bed apartments with care (C2), with public open space, landscaping, a sustainable drainage system and vehicular access points from Exeter Road.
-

Procedural matters

1. The application was in outline with all matters reserved aside from the principle of the development and the access. I have dealt with the appeal accordingly.
2. The Inquiry was adjourned on two occasions, both times after hearing a limited amount of evidence. On the first occasion this was due to the introduction of a substantial new argument at the beginning of the Inquiry, which necessitated the production of new evidence. On the second occasion it was due to the illness of a witness and the impossibility of finding a replacement at short notice.
3. The application was refused by the Council for four reasons. Before the Inquiry three of these reasons were addressed to the Council's satisfaction either by additional evidence or by the production of a Planning Obligation, and the Council withdrew these reasons for refusal. These related to highways matters, protected species, and the provision of affordable housing (along with play facilities and a Travel Plan).
4. With that background, only one reason for refusal remained at the start of the Inquiry – related to the location of the site outside the defined settlement limits of Wellington and Rockwell Green and the resultant consequences for sustainability and accessibility, including the access to primary education. As the Inquiry progressed witnesses for both main parties were changed for various perfectly proper reasons, and the Council's planning witness who appeared at the inquiry accepted that the Council's position on policy conflict could not be sustained.

5. The Council's position, after the evidence and examination of its witnesses, was set out in the Closing Submissions¹. This was that the appeal scheme did not conflict with the development plan, specifically policies CP8 and DM2 of the Core Strategy 2011-2028 (2012) (CS) and policy A5 of the Sites Allocation and Development Management Plan (2016)(SADMP).
6. Having reached that view the Council stated that there was no conflict with the policies of the development plan and withdrew its objection on all remaining matters. There being no remaining reasons to refuse planning permission, the Council recommended that the appeal be allowed.
7. Shortly after the close of the Inquiry the appellant submitted a Unilateral Planning Obligation². This had been discussed in full draft at the Inquiry. This material consideration is considered below.
8. At the time of the Inquiry it was anticipated that the revised National Planning Policy Framework (the Framework) would be published shortly after the Inquiry closed. In view of the position which the parties had reached it was agreed that this should form the basis of a Supplementary Statement of Common Ground³, which has been taken into account in this decision.

Decision

9. The appeal is allowed and planning permission is granted for the erection of up to 205 dwellings and up to 60 bed apartments with care (C2), with public open space, landscaping, a sustainable drainage system and vehicular access points from Exeter Road on land west of Bagley Road, Rockwell Green, Wellington in accordance with the terms of the application, Ref 43/17/0002, dated 23 December 2016, subject to the conditions set out at the end of this decision.

Main issue

10. Given the position reached by the main parties on the appeal there is one main issue in this case.
11. That is whether the proposal accords with an up-to-date development plan in relation to settlement boundary policy and accessibility, and whether there are any material considerations which indicate a decision otherwise than in accordance with the development plan.

Reasons

The site and the proposal

12. The appeal site is located to the west of Bagley Road beyond the southwest edge of the settlement boundary of Rockwell Green, around 2km from the centre of Wellington. It comprises around 10.5 hectares of agricultural land, bounded on three sides by the existing road network, and wrapping around seven dwellings.
13. The proposal is as described in the bullet points above. The scheme includes a Framework Plan showing a road layout for the site and how the development

¹ Document 15

² Document 2

³ Document 17

could be accommodated – in particular it illustrates a developable area of around 6.3 hectares at a range of densities.

Consideration against the development plan

14. The development plan includes the CS and the SADMP, and no suggestion was made by any party that the development plan is not up to date. The three policies cited in the last remaining reason for refusal at the start of the Inquiry related to settlement boundaries and accessibility will be considered below, as these remain matters raised by residents and they represent the most directly relevant policies in this appeal.
15. In terms of the settlement boundary, CS policy DM2 provides that, outside defined settlement limits, certain uses will be supported (not including housing development). However, it does not state that other types of development will be refused. As agreed by the Council the fact that a proposal is not one of the uses specifically supported by the policy does not mean that there is conflict. Other uses should be determined against Policy CP8, which deals with all development.
16. CS policy CP8 applies to all development outside the settlement boundary and is therefore relevant to the appeal proposal. It provides that development outside settlement boundaries will be permitted where a number of criteria are met. It was accepted by the Council at the Inquiry that all the criteria, none of which deal with matters in dispute, are met. There is no need to rehearse the detail here. As the authority accepts, the proposal complies with this policy and with the Framework paragraph 170 which provides that the intrinsic character and beauty of the countryside should be recognised.
17. Overall, there is clearly no conflict with the development plan in terms of settlement boundaries.
18. The remaining original policy objection raised by the Council related to SADMP policy A5, dealing with accessibility. The background to this is that Wellington (including Rockwell Green) is the sixth largest settlement in Somerset - CS policy SP1 identifies defines Wellington (specifically including Rockwell Green) as a secondary focus for growth, seeking to develop its role as a market town serving a wide rural hinterland. Rockwell Green is therefore accepted as a sustainable location in principle.
19. Policy A5 states that residential development is acceptable where it is within walking distance of, or has access by public transport to, employment, convenience and comparison shopping, primary and secondary education, primary and secondary health care, leisure and other essential facilities. The definition of public transport accessibility is dealt with in Table 1 of the policy, which provides that the maximum acceptable travel times for public transport, including waiting time and walking times at each end of the journey, is 25 minutes. The Council agreed with the appellant's Transport Assessment⁴ to the effect that there is a range of services and facilities within the 25 minute public transport time, and that the services are regular. In particular, all relevant primary schools would be accessible by bus in under 25 minutes. This level of accessibility would be improved by the proposed new bus stops to serve the proposal.

⁴ CD 1.07

20. Access to the facilities in Rockwell Green/Wellington would also be accessible on foot, with even the centre of Wellington around 2km from the appeal site. Rockwell Green and Wellington are both well within the 5km cycle distance. These matters were accepted by the Council at the Inquiry, and it was further agreed that there are no highway safety or other matters that would make the routes unattractive.
21. Overall the proposed development is in an accessible location related to a wide range of services and facilities and, as the Council accepts, the proposal complies with SADMP policy A5.
22. For the above reasons, the proposal accords with all the policies originally cited by the Council in its reasons for refusal. As the authority now accepts, the appeal scheme accords with an up-to-date development plan and, in line with the Framework, planning permission should be granted without delay.
23. I will now turn to the other matters raised by the proposal, in order to consider if, individually or jointly, they amount to a reason for a decision otherwise than in accordance with the development plan.

Other considerations - education

24. Accessibility of the site to primary schools was a matter raised in a reason for refusal and was the subject of evidence at the Inquiry. As summarised above, and as accepted by the Council at the Inquiry, this matter is no longer in dispute.
25. It was also accepted by the Council that primary school capacity was not part of the reason for refusal, although some of the evidence given by the Council did address that matter. In any event, as the Council has adopted a CIL charging schedule that includes primary education on the Reg. 123 List, the Levy is expected to cover that issue. There would otherwise be a danger of duplicating payments, which would be unreasonable and is advised against by CS policy CP7. Should the authority be concerned that the CIL payments would be inadequate, the solution would be to review the charging schedule, not resist otherwise acceptable development. In a similar vein, the complaint by the education authority that it has yet to receive CIL payments from the Council is a matter to be resolved between the authorities and cannot be a sound reason for resisting development in the meanwhile.
26. More specifically, the Council's Infrastructure Delivery Plan⁵, envisages that a new school is to be provided to meet housing growth at Longforth. From the evidence it is clear that this proposal has outline planning permission, has secured grant funding, does not raise concerns in respect of viability, and has reached the trigger point whereby it is to be transferred to the Education Authority. The Council state that the school will be built by 2020/21. This would add to the capacity in the area and would serve the proposed development.

Other considerations – housing land supply

27. There is an unresolved dispute between the main parties as to whether the Council has a 5 year supply of deliverable housing sites in line with the Framework. The areas of dispute relate to whether there has been persistent

⁵ CD 6.11

under delivery and whether a 5% or 20% buffer should be used; whether the agreed shortfall should be dealt with by the 'Sedgefield' or 'Liverpool' method; and the extent of the supply. Depending on the approaches taken there are 8 outcomes⁶, showing figures ranging between 3.4 years to 5.67 years.

28. It would normally be necessary to attempt to resolve this matter and come to a conclusion as to whether a five year supply exists. However, given the acceptance by the parties that the proposal does not conflict with the development plan and that there is a need for market and affordable housing, the resolution of the housing land supply position is superfluous. Were it to be concluded that there is not a five year supply, the consequence would be that Framework paragraph 11d) presumption in favour of sustainable development would apply. But this already applies due to the lack of conflict under paragraph 11c).

Other considerations – policy related to apartments with care

29. Part of the proposal is for apartments with care (Class C2). The appellant argued that the development plan is silent on this element, although this was not accepted by the Council. Both parties submitted evidence on this issue.
30. There was no reason for refusal on this basis and there is an agreed position between the main parties that the appeal proposal does not conflict with the development plan. Therefore, the only relevance of the matter could relate to Framework paragraph 11 and the alleged absence of development plan policy in this respect. However, as with housing land supply, this is not a matter which is of consequence to this decision as the presumption in favour of sustainable development applies in any event.

Other considerations raised by residents

31. Residents raised concerns regarding highway safety and the capacity of the surrounding road network. This was one of the Council's original reasons for refusal which was subsequently withdrawn. While I can understand the concern of residents at the introduction of additional traffic onto the roads in the area, I do not have any detailed evidence to set against the appellant's Transport Assessment⁷. This concludes that the proposed layout would provide a safe and acceptable access to the site. Whilst accepting that, despite the sustainability of the site, the proposed development would generate additional traffic onto the network, key junctions on the network have been identified and it was concluded that the impact on the local road network cannot be classed as material or severe and that there are no issues with traffic impact. The main parties agree that, subject to the provision of highway improvements, the proposal is acceptable in highways terms. The proposal would not have an unacceptable impact on highway safety and this matter does not weigh against the appeal.
32. Some residents raised concerns regarding the ecological impact of the proposal, and this was another initial reason for refusal which was subsequently not pursued by the Council⁸. There is no evidence to set against the appellant's Ecological Appraisal⁹ which undertook a thorough assessment

⁶ Document 14 Paragraph 9

⁷ CD 1.07

⁸ Document 13 Paragraph 4.14.

⁹ CD 1.09

and concluded that there were no ecological matters which would constrain development.

33. The consequence for educational provision has already been addressed. In addition some residents expressed concern regarding stress on medical facilities. However the Council did not raise objection on the basis of the impact on healthcare and has confirmed that there no objection from the NHS Clinical Commissioning Group¹⁰. There is therefore no sound reason for opposing the development on this basis.
34. The Council has stated that the area of the site to be developed, as shown on the Framework Plan, is located within Flood Zone 1. This is the area at the least risk from flooding, where the principle of residential development is acceptable. The parties agree that the proposal would not lead to flood risk elsewhere¹¹ and concerns over flooding cannot be substantiated.
35. The proposal would obviously result in the loss of agricultural land, which the Council has confirmed is Grade 2 and Subgrade 3a¹². However there is no objection from the Council on this basis, and any objection to the loss of this land falls far short of a reason for dismissing the appeal.
36. None of the other matters raised by residents, separately or in combination, comprise a reason leading to a decision otherwise that in accordance with the development plan.

Conditions and Planning Obligation

37. A set of conditions was agreed at the Inquiry, which I have slightly amended, and which is appended to this decision.
38. In the interests of precision the approved plans are set out and a further condition limiting the scale of development is necessary (Conditions 1 and 2). Reserved matters are set out along with the timescale for their submission (3 and 4), along with conditions relating to landscaping works (13, 14, 15).
39. In the interests of ensuring a safe development, details of surface water and foul drainage are necessary (5 and 6). A wildlife strategy needs to be submitted and implemented in the interests of the ecology of the site (7). For heritage reasons, a scheme of archaeological investigation should be submitted and implemented (8). Public open space to serve the development and the wider area is necessary in the interests of the amenity of existing and future residents (9). In the interests of highway safety, works need to be undertaken on and off the site (10, 11, 12).
40. The proposal is accompanied by a Unilateral Planning Obligation¹³, which is discussed in the CIL Compliance Statement. In particular the Obligation provides for the laying out and management of open space on the site, in accordance with SADMP policy C2 and Appendix D. The provision of 25% affordable housing and its tenure split would be in line with CS policy CP4 and the Affordable Housing SPD (2014). The Obligation provides for a number of transport matters, including a contribution towards bus stops and the production and implementation of a Travel Plan. These matters are in

¹⁰ Document 13 Paragraph 4.17

¹¹ Document 17 Paragraph 2.2.13

¹² Document 13 Paragraph 4.9

¹³ Document 2

accordance with CP policy CP6 and SADMP policy A2, and the Council's Travel Plans SPD.

41. The CIL Compliance Statement and other evidence demonstrate that the provisions are directly related to the proposed development and are necessary to make the scheme acceptable in planning terms. Therefore the Obligation meets the policy in paragraph 56 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. Some of the provisions are designed to mitigate the impact of the proposal and these elements therefore do not provide benefits in favour of the appeal. However other matters, most notably the provision of affordable housing, weigh in favour of the appeal.

Planning balance and conclusion

42. The main parties agree that there would be net economic, social and environmental gains in line with the Framework. There would be a short/medium term increase in construction and related employment, and an increased spends for local businesses and services arising from the population increase. Irrespective of whether the Council can demonstrate a five year housing land supply, there would be a significant social gain arising from the provision of general needs housing, extra care accommodation and affordable housing in an accessible location.
43. Overall, the proposal is clearly sustainable development with significant economic and social benefits which weigh heavily in the planning balance. The appeal scheme is for a sustainable development which complies with an up to date development plan. There are no material considerations which come close to indicating that the decision should be otherwise than in accordance with the development plan and both main parties agree that planning permission should be granted.
44. For the reasons given above I conclude that the appeal should be allowed.

P. J. G. Ware

Inspector

Conditions

Plans

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site access drawing 4969/00/04; Development Framework 7411-L-03 rev J; Location plan 7411-L-01.

Quantum of Development

- 2) The development hereby approved shall not exceed 205 dwellings and 60 apartments with care (Use Class C2).

Reserved matters and time limits

- 3) Approval of the details of the (a) layout (b) scale (c) appearance (d) internal access roads 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 and the development shall be carried out in accordance with the approved details.
- 4) Application for approval of all of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Surface water drainage and flood risk

- 5) No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details. These details shall include: -
 - Information of maintenance of drainage systems during construction of this and any other subsequent phases.
 - Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters
 - Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include

refurbishment of existing culverts and headwalls or removal of unused culverts).

- Flood water exceedance routes both on and off site. No part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Foul Drainage

- 6) Prior to construction of any buildings, full details of the means of foul water disposal shall be submitted to and agreed in writing by the Local Planning Authority. Such details shall be implemented such that each dwelling is served by the approved system prior to occupation of that dwelling and shall thereafter be maintained as such.

Wildlife and biodiversity

- 7) 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 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.
 - Lighting detail.
 - A LEMP.

Once approved the works shall be implemented in accordance with the approved details and timing of the works and thereafter the resting places and agreed accesses for 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

Archaeology

- 8) No development hereby approved shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved programme of archaeological work.

Public open space

- 9) Prior to the occupation of 75% of the dwellings hereby permitted public open space including children's play facilities shall be laid out on the site and be made available for use by the public. Details of the public open space shall be submitted as part of any reserved matters application and shall include provision of a Local Equipped Area for Play and a Neighbourhood Equipped Area for Play. Once provided the public open space and children's play equipment shall be thereafter maintained as such.

Highways

- 10) Prior to the commencement of the development hereby permitted detailed plans and specifications for the Exeter Road/A38 roundabout junction generally in accordance with drawing number 4969/00/05 submitted with Stirling Maynard's "Technical Note 2" shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until alterations have been made to the Exeter Road/A38 roundabout junction in accordance with the approved details.
- 11) Prior to the commencement of the development hereby permitted full details of the access arrangements and frontage works to Exeter Road shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.
- 12) Prior to development commencing, details of 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 and a timetable for their implementation shall be submitted to and approved by the Local Planning Authority. For this purpose details should include, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction as appropriate.

Landscaping

- 13) No development shall take place until a full landscape planting scheme has been submitted to and approved, in writing, by the local planning authority. This should include the retention of boundary habitats including hedgerows, tree lines, scrub, grassland and individual trees where possible, with buffers and open space to provide continuous green corridors.

- 14) All works comprised in the approved details of landscaping should be carried out in accordance with an implementation scheme which shall first be submitted to and approved in writing by the Local Planning Authority.
- 15) Trees, hedges and plants shown in the landscaping scheme to be retained or planted, which during the development works or during a period of five years following implementation of the landscaping scheme, are removed or die, become seriously diseased or damaged, shall be replaced in the first available planting season with other such species and size as are to be agreed with the local planning authority.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:	
Miss N Sharif of Counsel ¹⁴ Mr S Stemp of Counsel ¹⁵	Instructed by the Head of Legal Services
They called	
Ms H Waring	Somerset County Council (Education)
Mrs J Moore BSc BTP MRTPI	Project Team Leader, Planning
Mr J Gardener BSc MSc	Justin Gardner Consulting
Mr M Evans ¹⁶	Solicitor to the Council

FOR THE APPELLANT:	
Miss S Reid of Counsel	Instructed by Gladman Developments Limited
She called	
Miss A Gilham BA MSc	Director, Turley
Mr D Dunlop BA(Hons) MRTPI	Managing Director, D2 Planning
Mr N Weeks BSc F.Con.E	Technical Director, Stirling Maynard Transportation
Mr R Lomas BSc PGDipTP MRTPI	Planning Manager, Gladman Developments Limited

INTERESTED PERSONS:	
Councillor R Bowrah	Wellington and Taunton Dene Councillor
Councillor J Lloyd	Wellington Town Council
Councillor J Thorne	Wellington Town Council

INQUIRY DOCUMENTS

1	List of persons present at the Inquiry
2	S106 obligation dated (20 July 2018)
3	Google shot of Rockwell Green school
4	Extract from schools guide
5	Emails from Mr and Mrs White, Ms Anton
6	Appellant's note on the 'silence' of the development plan regarding C3 extra care
7	Councillor Thorne statement
8	Clarification by the Council on elements of the Statement of Common Ground
9	Somerset School Population Forecast 2017
10	Appeal decision (22 May 2018) APP/T2350/W/17/3186969
11	Extract from Planning Practice Guidance – local plans
12	CIL compliance statement
13	Planning Statement of Common Ground (February 2018)
14	Housing Statement of Common Ground (April 2018)

¹⁴ February and April sessions¹⁵ July sessions¹⁶ Conditions and s106 discussion only

15	Council's closing submissions
16	Appellant's closing submissions
17	Supplementary Statement of Common Ground (August 2018) on the revised National Planning Policy Framework

CORE DOCUMENTS

ORIGINAL PLANNING APPLICATION DOCUMENTS	
1.01	Application Letter, Form and Certificates
1.02	Location Plan (7411-L-01) (December 2016)
1.03	Development Framework Plan (7411-L-03 Rev J) (December 16)
1.04	Design and Access Statement (Rev C) (December 16)
1.05	Landscape and Visual Impact Assessment (Rev A) (December 16)
1.06	Layout of Proposed Access Junctions (Access Drawing) (4969/00/04) (December 16)
1.07	Transport Assessment (Rev A) (December 16)
1.08	Framework Travel Plan (Rev A) (December 16)
1.09	Ecological Appraisal (Rev B) (December 16)
1.10	Arboricultural Assessment (Rev A) (December 16)
1.11	Phase I Geoenvironmental Assessment (6105/R1) (December 16)
1.12	Flood Risk Assessment (6105/R2) (December 16)
1.13	Foul Drainage Analysis (December 16)
1.14	Air Quality Assessment (LE13696-003) (December 16)
1.15	Noise Assessment (LE13696-001) (December 16)
1.16	Archaeological Desk Based Assessment (HS/22737 v1) (November 16)
1.17	Utilities Appraisal (December 16)
1.18	Statement of Community Involvement
1.19	Socio Economic Sustainability Statement
1.20	Planning Statement
1.21	Affordable Housing Statement
1.18	Statement of Community Involvement (December 16)
1.19	Socio-Economic Sustainability Statement (December 16)
1.20	Planning Statement (December 16)
1.21	Affordable Housing Statement (December 16)
CORRESPONDENCE WITH LOCAL PLANNING AUTHORITY	
09.01.17	– Letter from Taunton Deane BC – Written Pre-Application Advice 1-2
12.01.17	– Letter from Taunton Deane BC – Application Valid 3-4
09.01.17	– EIA Screening Opinion 5-6
14.03.17 to 16.03.17	– Correspondence between Gladman and Taunton Deane BC 7-9
RELEVANT CONSULTATION RESPONSES	
13.01.17	– Somerset Ecology Services 1
16.01.17	– Community Leisure 3-4
17.01.17	– Notice from Somerset County Council (Highways Authority) 5
20.01.17	– Biodiversity 7-10
20.01.17	– Somerset County Council (Lead Local Flood Authority) 11-12
24.01.17	– Wessex Water 13
25.01.17	– Crime Prevention Design 15-17
01.02.17	– Somerset County Council Estates and Planning 19-20
08.02.17	– Landscape 21-23
10.03.17	– Somerset County Council (Highways Authority) 24-27
COMMITTEE REPORT AND DECISION NOTICE	

4.01 05.04.17 – Committee Report
4.02 06.04.17 – Decision Notice
OTHER RELEVANT DOCUMENTS
5.01 Taunton Deane Core Strategy
5.02 Taunton Deane Site Allocations DPD
5.03 Inspector’s Report on Taunton Dean Core Strategy
5.04 Inspector’s Report on Site Allocations DPD
5.05 Council’s 5 Year Housing Land Supply – March 2017
5.06 Hourigan Connolly Report
5.07 Savills Report
5.08 Appeal Decision – Congleton Road, Sandbach
5.09 Appeal Decision – Iron Acton Way, Engine Common
5.10 Appeal Decision – Butts Road, Higher Rideway, Ottery St Mary
5.11 Appeal Decision – Mount Hindrance, Chard
5.12 Appeal Decision – Sandford, North Somerset
5.13 Appeal Decision – Hill Lane Blackrod Bolton
5.14 Appeal Decision – Land at Fairfield Road Framlingham
5.15 Appeal Decision – Land South of Tilden Gill Road Tenterden
5.16 Appeal Decision – 35 Frensham Vale Lower Bourne Farnham
5.17 Appeal Decision - Land North of Haygate Road Wellington
5.18 Appeal Decision - Uffculme Road Uffculme
5.19 Appeal Decision – Land East of Wolvey Road Three Pots Burbage
5.20 Appeal Decision – Land adjacent Sports Ground Saxmundham
5.21 Appeal Decision – Land East of Daux Avenue Billinghamurst
5.22 Appeal Decision – Land East of Tudor Park Taunton
5.23 Appeal Decision – Land West of Shottery Stratford Upon Avon
5.24 Appeal Decision -Land opposite The Garage Welshampton Ellesmere
5.25 Cotswold High Court Judgement
5.26 Local Plans Expert Group
5.27 Fixing Our Broken Housing Market
5.28 Colman Judgement
5.29 Annual Monitoring Report 2016 – 17
5.30 Locally Based Housing Projections 2008 – 26
5.31 SHMA 2016
5.32 SHLAA 2017
5.33 Suffolk Coastal Supreme Court Judgement
5.34 SHMA 2008
5.35 SHMA 2008 Executive Summary
DOCUMENTS / CORRESPONDENCE POST SUBMISSION
6.01 Technical Highway Note
6.02 Ecology Objection Removal and correspondence
6.03 Reason for Refusal 2 Removal correspondence
6.04 Ecology Response RE Highways Proposals
6.05 Manual For Streets Walking Extract
6.06 Correspondence RE play space
6.07 Correspondence to Council 25.01.18
6.08 Email correspondence from Council 29.01.18
6.09 CIL 123 List
6.10 Infrastructure Delivery Plan 2011
6.11 Infrastructure Delivery Plan 2014
6.12 Committee Report Appn 43/13/0008

6.13 Committee Report Appn 48/16/0025
6.14 Committee Report Appn 38/16/035
6.15 Appeal Decision – North Curry
6.16 Appeal Decision – Clitheroe
6.17 Appeal Decision - Alderholt
6.18 Appeal Decision - Semington
6.19 School Capacity (SCAP) Survey – Guide for local authorities June 2016
6.20 School Capacity (SCAP) Survey – Guide for local authorities July 2017
6.21 Appeal Decision – Higher Road, Longridge

APPEALS RECEIVED – 10 October 2018

Site: MAUNDOWN COTTAGE, JEWS LANE, WIVELISCOMBE, TAUNTON, TA4 2BU

Proposal: Application to discharge clauses 7.1, 7.2 and 7.3 of S106 Agreement dated 4 April 2013 on planning application number 49/12/0054 at Maundown Cottage, Jews Lane, Wiveliscombe

Application number: 49/18/0019VSC

Appeal reference: APP/D3315/W/3207710

Site: 100 BUCKWELL, WELLINGTON, TA21 8TE

Proposal: Erection of retaining wall & timber fence on top (retention of works already undertaken), increased height of part brick front boundary wall at 100 Buckwell, Wellington

Application number: 43/17/0135

Appeal reference: APP/D3315/W/18/3207384

Site: MEARE GREEN HOUSE, MEARE GREEN, WEST HATCH, TAUNTON, TA3 6DA

Proposal: Insertion of window to side of garage at ground floor level and alterations to rear dormer at Meare Green House, Meare Green, Wrantage

Application number: 47/18/0006

Appeal reference: APP/D3315/W/18/3205663

Site: LAND SOUTH OF DENE ROAD, DENE ROAD, COTFORD ST LUKE, TA4 1DE

Proposal: Outline planning application with all matters reserved, except for means of access, for a residential development of up to 8. No dwellings with associated access, landscaping and infrastructure works on land to the south of Dene Road, Cotford St Luke

Application number: 53/17/0005

Appeal reference: APP/D3315/W/18/ 3207551

Site: AYTON FIELDS, HILLFARRANCE

**Description of Breach: PARK HOME (TWIN UNIT MOBILE HOME) STATIONED
ON THE LAND AT AYTON FIELDS, HILLFARRANCE**

Enforcement No: E/0037/27/15

Appeal No: APP/D3315/C/18/3201357