

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool on 7 November 2018 at 6.15 pm.

Agenda

- 1 Apologies.
- 2 Minutes of the previous meeting of the Planning Committee held on 12 September and 10 October 2018 to follow
- 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 53/18/0003 (Pages 5 - 24)

Reserved matters application to outline 53/14/0008 considering Layout, Scale, Appearance, Access and Landscaping for residential development of up to 30 no. dwellings with 3 live/work units, public open space, allotments, and associated infrastructure on land to the east of West Villas, Cotford St Luke
- 6 47/18/0013 (Pages 25 - 28)

Demolition of single storey extension and conservatory to be replaced by erection of two storey extension and single storey extension with balcony at Stockton Cottage, to form single dwelling with Ivy Cottage, Bickenhall Lane, West Hatch
- 7 48/18/0035 (Pages 29 - 38)

Variation of Condition No. 02 (approved plans) of application 48/17/0043 on land adjacent to the A38 off Hardys Road, Monkton Heathfield
- 8 Latest appeals and decisions received (Pages 39 - 58)

Bruce Lang
Assistant Chief Executive

30 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.

For further information about the meeting, please contact the Democratic Services on 01823 219736 or email democraticservices@tauntondeane.gov.uk

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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

53/18/0003

S NOTARO NEW HOMES LTD

Reserved matters application to outline 53/14/0008 considering Layout, Scale, Appearance, Access and Landscaping for residential development of up to 30 no. dwellings with 3 live/work units, public open space, allotments, and associated infrastructure on land to the east of West Villas, Cotford St Luke

Location: Land East of West Villas Cotford St Luke

Grid Reference: 317274.127363

Reserved Matters

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

(A3) DrNo LOC01	Rev A Location Plan	
(A1) DrNo PL01	Rev D Planning Layout	
(A3) DrNo HTA/01	Rev C House Type A	(Plans and Elevations)
(A3) DrNo HTA/01	Rev C House Type A(c)	(Plans and Elevations)
(A3) DrNo HTA/01	Rev C House Type A(c)c	(Plans and Elevations)
(A3) DrNo HTAFF1/01	Rev B House Type AFF1&2	(Plans and Elevations)
(A3) DrNo HTAFF3/01	Rev B House Type AF3	(Plans and Elevations)
(A3) Dr No HT3B/01	Rev B House Type AF4	(Plans and Elevations)
(A3) DrNo HTB/01	Rev C House Type B	(Plans and Elevations)
(A3) DrNo HTC/01	Rev D House Type C	(Plans and Elevations)
(A3) DrNo HTD/01	Rev D House Type D	(Plans and Elevations)
(A3) DrNo HTE/01	Rev D House Type E	(Plans)
(A3) DrNo HTE/02	Rev C House Type E	(Elevations)
(A3) DrNo HTEc/01	Rev C House Type E	(Plans)
(A3) DrNo HTEc/02	Rev B House Type E	(Elevations)
(A3) DrNo LWG01	Live/Work Garages	(Plans and Elevations)
(A3) DrNo LWG02	Rev A Live/Work	(Plans and Elevations)
(A3) DrNo G01	Rev A Garages	(Plans and Elevations)
(A1) DrNo LAN01	Rev B Landscaping Layout Sheet 1 of 3	
(A1) DrNo LAN02	Rev B Landscaping Layout Sheet 2 of 3	
(A1) DrNo LAN03	Rev B Landscaping Layout Sheet 3 of 3	
(A3) DrNo SC03	Rail Fence Screening Detail	
(A3) DrNo SC02	Wall Screening Detail	
(A3) DrNo SC01	Fence Screening Detail	

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

2. Before any part of the development hereby permitted is commenced, the hedges to be retained on the site shall be protected by a Heras panel fence 1.8 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered.

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

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

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

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

4. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason - In the interests of highway safety.

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. For the avoidance of doubt, this reserved matters consent does not approve the layout or equipment to be installed in the children's play area as required by condition 4 of the outline planning consent. At the time of this decision, this condition remains to be fully complied with, including the submission of layout and equipment to be installed.

Proposal

Application for approval of reserved matters for outline 53/14/0008 considering Layout, Scale, Appearance, Access and Landscaping for residential development of up to 30 no. dwellings with 3 live/work units, public open space, allotments, and associated infrastructure on land to the east of West Villas, Cotford St Luke. Vehicular access would be from the south-west corner of the site, with a cycle and pedestrian link to the north of this from West Villas. The scheme includes 8 affordable units in the north-west corner of the site and allotments, play area and open space in the eastern element of the site.

Amended plans have been submitted, including details such as the redesign of live/work accommodation to allow use of independent work units, relocation of allotments, screen walling to street frontage, redesign of affordable housing terrace, repositioning of plots/plot numbers, side elevation of Type B dwellings corrected and rear bay omitted on Type D dwellings.

Site Description

This site comprises part of an agricultural field on the east of Cotford St. Luke, to the north of Dene Barton Hospital. To the east is open countryside and to the north is a further development site, which has recently been granted reserved matters approval for 30 dwellings and 3 live work units.

To the west, 1-6 North Villas face towards the site on the opposite side of Dene Road, which has been closed to vehicular traffic for a short section along the western site boundary to the south of this point. At the point opposite the application site, North Villas are raised up above the highway which descends into a cutting along the closed section – now a pedestrian/cycle link. At the southern end of the western site boundary, to the other side of the pedestrian/cycle link, the gable end of 1 West Villas and the rear elevations of 15-21 Milsom Place face towards the site.

Relevant Planning History

The Site Allocations and Development Management Plan (SADMP) was adopted in December 2016.

Policy MIN1: East of Deane Barton, Cotford St Luke

Land East of Dene Barton, Cotford St. Luke, as indicated on the Policies Map, is allocated for around 60 dwellings and small scale Class B employment units on approximately 0.25 hectares of the site. Proposals will need to demonstrate a comprehensive approach to the planning of the site, ensuring a degree of permeability between northern and southern parcels. Development proposals shall also comply with other policy requirements in the plan including any strategic landscaping and planting, other environmental matters, affordable housing, design and mix of dwellings and recreational space, where appropriate.

Application No: 53/14/0008 - Outline planning application with all matters reserved for a residential development of up to 30 No. dwellings, 3 No. live/work units, public open space, allotments and associated infrastructure on land east of West Villas, Dene Road, Cotford St Luke (Resubmission and amended scheme to 53/13/0012). This outline planning application was granted on 19 February 2016 subject to conditions.

Application No: 53/13/0012 - Outline planning application with all matters reserved for a residential development of up to 44 No. dwellings, public open space, allotments and associated infrastructure on land east of West Villas, Dene Road, Cotford St Luke. This outline planning application was withdrawn on 10 March 2014.

Consultation Responses

COTFORD ST LUKE PARISH COUNCIL - The Parish Council objects to this Planning Application for the following reasons:

Road and Footpaths

- If the proposed development is granted Planning Permission, there will be vehicles for 55 houses accessing/egressing Old Dene Road plus those working at and visiting patients in Dene Barton Hospital. Old Dene Road is not wide enough to take two cars passing one another safely unless one comes to a complete stop, as the road width is very variable (4.8 to 5.8 metres). There is no land available along Old Dene Road to improve it by widening or constructing a passing bay, to allow cars to pass one another due to the constraints of Orchard Lodge land which has already been allocated for house development and the rear gardens of Nr 1 South Villas and Aveline Court.
- The existing egress from South Villas has a very steep decline and is blind, there is no visibility splay for this private road. To egress safely, cars turning out of South Villas must use the entire width of Old Dene Road. There is no land available to build a visibility splay. With the significant increase in vehicle trips, there is the potential for manoeuvres to be unsafe and an accident to occur.
- Despite garages and parking spaces being allocated to each property in CSL, on-street parking has always been an issue in the village. How will off-street parking be enforced within the proposed development?
- To create vehicular access/egress to the proposed development, it is noted that approximately 20 metres of the public footpath/cycleway between Milsom Place and West Villas will be lost for pedestrian and cyclist use. The Design and Access Statement indicated that the public footpath/cycle path will be reconfigured within the public highway but there are no details as to how this will be achieved, and the safety of pedestrians and cyclists protected.
- Pedestrians including young children, dog walkers, runners and cyclists frequently use Old Dene Road. There is presently no pavement between South Villas and the post box for them to use. Their safety will be put at risk with the significant increase in vehicles using the road should the Notaro New Homes Ltd developments be built.
- It is also noted that Drawing PL01A indicates that there is no footpath in front of plots 8 to 11 and 20 to 24 of the proposed development. Whilst the road in front of these dwellings appears to be rather narrow. There is no safe route for pedestrians and 8-axle vehicles such as refuse and recycling trucks to access/egress these plots. It is suggested that the length of these front gardens be reduced for pavements to be built and the road to be widened.

- The uniformity, density and general layout of the proposed development is very poor. The site looks cramped.

Road and Footpath Adoption

- Under the Highway Act 1980, the Advanced Payment Code requires anyone proposing to build houses served by a private street must deposit enough money with the Highway Authority to cover the eventual making up of that street to adoption standard. Should Planning Permission be granted, a condition is required to ensure that SCC Highways/the developer signs a Section 38 Agreement and for the appropriate bond to be in place within the required timeframe, as stipulated by the Highways Act 1980.

Water Supply

- The Flood Risk Assessment included in the previous application stated that there is limited capacity within the local water supply network to serve the proposed development. There is no assurance from the Applicant that he will contribute to the supply network upgrade that will be required.

Foul Water Drainage

- There was no indication in the Flood Risk Assessment included with the previous application, where the foul water sewer from the proposed development will connect into the existing Wessex Water infrastructure – ‘the point of connection is to be agreed with the local sewerage network having a capacity to accept foul flows from only 50 dwellings. Yet 66 dwellings are proposed for options 2 and 3 as noted in the Site Allocations and Development Management Plan. Has this issue been resolved?

Electricity Supply

- Additional housing will only exacerbate the poor infrastructure in CSL, such as unreliable electricity supply. It is noted that a proposed sub-station is to be included within this development, as noted on drawing PL01A. Please ensure that this proposed sub-station is built.

Mix of Housing

- During the previous application pre-consultation by Notaro New Homes Ltd, the Parish Council requested accessible housing such as bungalows two storey apartment arrangements with lift is provided, due to the shortage of and demand for this type of housing in CSL. The Parish Council notes that this type of housing is not being provided by the Applicant.

Badgers

- The Parish Council notes that there is evidence of an active badger sett which will be in very close proximity to Plots 25 and 26. Please refer to the Protected Species Survey. The Protection of Badgers Act 1992 makes it illegal to interfere or disturb badgers and their setts. How will the badgers and their sett be protected from

interference or disturbance especially by children and dogs?

Visual Impact

- When Dene Barton Hospital was designed, it had to be lowered to reduce the building's impact on the landscape. The Notaro New Homes field has a 10 metre drop and the proposed houses will stand out above the height of Dene Barton Hospital.

Public Transport

- It is a strategic objective (Core Strategy P14) that at least 50% of all trips should be undertaken by modes of transport other than the private car. Bus services to/from CSL have reduced significantly over the last 2 years. There is no bus service after 7.30PM and on Sundays and Bank Holidays. The present bus service makes it not feasible for most people to rely on public transport to get to/from their place of employment. Any increase in the number of people living in CSL will only exacerbate this problem.

Health

- Presently the village has a population of approximately 2700 people (all ages). A doctor's branch surgery is now required and could be in Dene Barton Hospital.

Employment

- The employment opportunities within CSL have been severely hampered by the original decisions made by TDBC Planners. So far as the businesses that do exist in CSL, they are hampered by poor infrastructure such as unreliable electricity supply
- The absence of mobile telephone coverage adds further to the difficulties and does not offer an alternative to Broadband.
- The trading hours and classification of employment need to be specified for the 'live-work' unit, to avoid any nuisance to other properties in the proposed development.

Open Space

- Notaro New Homes is proposing to provide one play area; a natural play area, a swales and wetland area, a community orchard and a significant public grassed area.
- We retain the right for the allotments to be available to all CSL villagers.
- The Parish Council notes that Notaro New Homes Ltd will retain ownership of the open space and allotments, and will employ a management company. What arrangements are in place should the management company cease trading?

SCC - TRANSPORT DEVELOPMENT GROUP -

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code.

Traffic Impact

It is noted by the Highway Authority that the site was subject to a previous application (53/14/008) for the same number of dwellings. In terms of traffic impact, the Highway Authority did not consider the previous application as severe in terms of chapter 4 of the National Planning Policy Framework (NPPF) and therefore there is not considered to be a reason for a recommendation of refusal on traffic impact grounds.

Travel Plan

The applicant submitted an updated Travel Plan (TP) in previous application 53/14/0008. There appears to be no additional TP information submitted in this application, the applicant should be mindful of our previous comments dated 6th July 2014 where a suitable TP will need to be secured via a S106 agreement.

Drainage

Following on from our previous comments dated 6th July 2014, there appears to be no additional information regarding drainage within this application and therefore our previous comments apply.

Estate Road

The following highway related comments have been made as a result of looking at the details contained within submitted drawing number PL01/B. The applicant should note that any works within the existing publicly maintained highway will be covered by a Section 278 Agreement. Where the proposal will tie into the existing highway allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may have to be taken within the existing carriageway to determine the depths of the bituminous macadam layers. It has been presumed that proposed 'Road A' will take the form of a type 4 bituminous macadam carriageway with longitudinal gradients no slacker than 1:90 nor steeper than 1:14.

It has been presumed that 'Road B' will take the form of a block paved shared surface carriageway. Longitudinal gradients should be no slacker than 1:80 nor steeper than 1:14. It would be acceptable for 1.0m wide adoptable service margins to be provided at the ends of turning arms and adjacent to the carriageway edge, within shared surface roads, in lieu of the proposed 2.0m wide margins being currently proposed.

It would appear to date, that no drainage information has been provided by the applicant. The applicant will need to confirm the surface water drainage proposals for this scheme.

All surface water from private areas including drives and parking bays will not be permitted to discharge onto the public highway. Private interceptor drainage systems must be constructed to prevent this from happening. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Highway Authority, written evidence of the consent of the

authority or owner responsible for the existing drain will be required with a copy forwarded to SCC.

The gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with the adjoining road.

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

If ramps are proposed within the carriageway they must not be located outside of the entrances to private drives.

At the point where private access paths crossover the prospective public highway, they should be constructed as per typical bitumen footway spec. Paving slabs will not be permitted within the highway.

In regards to parking private drives serving garage doors should be constructed to a minimum length of 6.0m, as measured from the back edge of the proposed highway boundary. Tandem parking bays should be 10.5m in length and parking bays that but up against a footpath, wall or planted areas, shall be constructed to a minimum length of 5.5m, as measured from the back edge of the proposed highway boundary.

Any planting immediately adjacent to parking bays, should be of a low-level/ground level variety so as not to obstruct visibility for users of the parking bays.

The proposed footpath/cyclepath links should be constructed to a minimum width of 3.0m and surfaced in red pigment bitumen macadam. Adoptable visibility splays based on dimensions of 2.0m x 20m in both directions, as measured from the back edge of the proposed highway boundary, will be required at each end of these links and there shall be no obstruction to visibility within the splays that exceeds a height greater than 600mm above the adjoining ground level. This comment applies equally to where the existing footpath/cyclepath that runs along the western site boundary will tie into the proposed carriageway/footway at the southern end of the cyclepath/footpath.

Somerset County Council, as the Highway Authority, will need to be assured of the safety and durability of any retaining/sustaining wall that is to be either adopted or maintained privately and is within 3.67m of the highway boundary and or which has a retained height of 1.37m above or below the highway boundary. It will be necessary for detailed design drawings together with design calculations to be submitted to Somerset County Council for checking/approval purposes prior to any wall related works commencing.

A Section 50 licence will be required for sewer connections within or adjacent to the public highway. Licences are obtainable from BSupport-NRSWA@somerset.gov.uk. At least four weeks' notice will be required.

Any existing services located within the carriageway/footway fronting this development that may need to be diverted, lowered or protected will have to meet

the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services shall be lowered to a depth to allow full road construction, inclusive of capping, to be constructed over. The design must comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major works (diversionary works) under Section 84 NRASWA 1991.

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

The applicant/developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the works at all times and ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement. Existing road gullies/drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the site works. If any extraneous matter from the development site enters an existing road drain or public sewer, the applicant/developer will be responsible for its removal.

The existing public highway must not be used as site roads for stockpiling and storing plant, materials or equipment. The applicant/developer shall be liable for the cost of reinstatement if any damage has been caused to the 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 caused 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.

If any existing highway lighting columns need to be relocated as a result of the proposed site access works, then the developer must contact the SCC Highway Lighting Team to seek approval for relocating any columns, prior to moving them.

Conclusions

Based on the information set out above the Highway Authority raises no objection to this proposal although the applicant will need to be mindful of our comments raised above. Please also note a suitable Travel Plan will need to be secured under a S106 agreement. If planning permission were to be granted the following conditions would need to be attached.

1. 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.

2. No development shall commence unless a Construction Environmental

Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

3. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement and thereafter maintained until the use of the site discontinues.

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

5. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

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

8. 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.

9. 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.

10. There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Note

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

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comments received

HOUSING STANDARDS - No comments received

HOUSING ENABLING - As per the Section 106 agreement, the affordable homes should be of tenure split - 60% social rented and 40% intermediate housing, preferable in the form of shared ownership.

The suggested mix of 2 x 1b2p, 5 x 2b4p and 1 x 3b5p is considered to meet the current demand.

The location of the affordable units is deemed broadly acceptable, although no tenure has been shown and this would need to be agreed with the Housing Enabling Lead prior to the implementation of any Reserved Matters approval. In order to avoid any management difficulties where there is a mix of Intermediate and Social Rented properties within the same block, an appropriate tenure split would be plots 12-16 as social rent and 17-19 as intermediate properties.

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

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

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 not provided any further details relating to how surface water will be managed on the site. The LLFA would require a more detailed drainage design and supporting calculations to be submitted and therefore requests the following condition be applied to the application should it be granted approval.

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).

LEISURE DEVELOPMENT - In accordance with TDBC Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings. The submitted play area proposal should be amended as follows:

Swings: The suggested 1.8 metre cradle swings should be replaced by 2.4 metre flat swings in order to be suitable for a LEAP age 4 - 8 years.

Crazy Twister Pole to be replaced by the Buddy Board item no 6060-089 in order to give balancing and not duplicating spinning with the proposed spinning bowl.

Bench: A bench with a back should be provided.

Fencing: 2 x self-closing gates at opposite ends of the play area should be provided. Both gates to be outward opening.

In addition to the above, a bin and a sign giving owners contact details must be provided.

All equipment to have a minimum manufacturer's guarantee of 15 years. The play area to be overlooked by the front of properties to promote surveillance.

Open Spaces should be asked to comment on the landscaping layout and proposed allotments.

SCC - CHIEF EDUCATION OFFICER - No comments received

SOUTH WEST HERITAGE TRUST - No comments received

WESSEX WATER - There do not appear to be any drainage details available for us to consider at this time and we request that we are re-consulted if further information regarding the applicants drainage strategy becomes available. We note that surface water drainage is subject to a condition under the outline approval.

The following comments are offered as guidance:

- The site shall be served by separate systems of drainage constructed to current adoptable standards. For more information refer to Wessex Water's guidance notes 'DEV011G – Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections' .
- A foul connection to the public foul network can be agreed at detailed design stage in consultation with Wessex Water. Applicant should contact our local development engineer, development.west@wessexwater.co.uk to agree proposals and submit details for technical review prior to construction.
- The applicant has indicated surface water disposal via Suds arrangements which will require the approval of your Authority. Any surface water disposal to local ditch/watercourse will be subject to agreement with riparian owner and discharge rates approved by the Lead Local Flood Authority with supporting any flood risk measures.
- Elements of the surface water system can be offered for adoption by Wessex Water, details to be agreed.
- Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

BIODIVERSITY - No wildlife survey has been submitted with this application. The survey previously submitted is dated April 2012 and so is now over six years old.

An updated survey and wildlife strategy should be submitted. This is particularly important as badgers, a highly mobile mammal use the site and the proposal involves the removal of a section of hedging. I would like to see an element of biodiversity enhancement for this application in the form of additional native planting and the provision of bird and bat boxes.

LANDSCAPE - The application site is on the eastern side of Cotford St. Luke on rising land. The site itself commands views over the surrounding countryside particularly to the south and east. The layout plan shows some woodland planting to screen the development on the north-eastern and eastern parts of the site but I consider that it is insufficiently robust. It is difficult to assess its depth from the landscape plan as total numbers are not stated, but I consider it should be no less than 8 m wide particularly as the proposed planting is on a 2m matrix.

The formation of a new access to the south would have a landscape impact by the removal of part of the existing hedgerow. This will greatly impact on the quiet rural character of this country lane. Removal of hedging should take place outside of the bird nesting season.

This current layout appears less fluid than previously submitted.

At the moment the layout shows the location of the allotments in the badger buffer zone. This should be reconsidered as badgers may potentially damage the individual allotments. In addition this area is shaded by the boundary hedge. The relationship between allotments and parking area could be designed better. The chain link fencing proposed around the allotments may be barrier to badgers. If used it should be softened with native planting. Any fencing around the play area should also be softened with planting.

The rear garden of plot 30 is quite small and will be heavily shaded. There is scope for further tree planting in the rear gardens of plots 2, 3, 21, 22 and 23.

With the exception of ash which should be substituted because of ash dieback, and of elder in the woodland mix, I am generally satisfied with the choice of species. Size of plants is provided but not total numbers. I consider that a full planting plan showing numbers of plants, should be produced at a larger scale than the plan submitted.

Grass in the copse area should not be cut, so strimmer guards should not be required. To aid establishment I suggest that an area of 1m² is sprayed with herbicide at the base of the whips twice a year. This maintenance technique should also be applied to the standard trees located in the grass areas. Incidentally I consider there is scope for further standard tree planting within the open space. The circular path (surfacing unknown) should not be directed between the new planting and hedge line. The whole of the open space area could be sown with the proposed meadow mix seed choice.

A landscape maintenance schedule for the whole site is required.

TREE OFFICER - The trees on this site are all in boundary hedges. The best ones are at the eastern end, and there are numerous trees along the southern boundary, within the overgrown hedge. As the proposed houses are on the western half of the field, the development's effect on trees and their roots should be minimal.

Plot 30 does appear to be close, as do the swales areas. However, without an

accurate tree survey, that plots the location of the trees and their Root Protection Areas, as given by BS5837, it is difficult to make an accurate assessment of this. It may be that plot 30 needs to be moved slightly to the west to avoid the larger tree that is shown on the planning layout.

As a general comment, the southern boundary trees will cast shade into the gardens of plots 27 to 30, which may be an issue. Also, boundary hedges that are currently protected by the Hedgerow Regulations would not be protected by this legislation once adjoining domestic property. I would prefer to see hedgerows retained within public open space, where they can be properly and consistently maintained.

Representations Received

13 letters received raising the following concerns:

- Development not required on greenfield land.
- Extra traffic, congestion and parking problems causing risk to highway users and pedestrians.
- Extra noise.
- Loss of pedestrian footpath.
- Inadequate highway infrastructure to cope with extra traffic and construction traffic.
- Query whether access complies with highway standards.
- Damage to environment, loss of trees and hedgerow, causing loss of wildlife habitat and loss of screening between properties.
- Drainage and sewage issues.
- Added pressure on electricity.
- Potential loss of communications due to lack of consideration of telephone poles.
- Water run-off could cause flooding.
- Insufficient amenities in village and school over-subscribed.
- Hilltops and ridgelines should be kept clear of development.
- Adding more homes will ruin character of village and urbanise and rural community.
- Site visible from main road and surrounding hills, spoiling edge of Area of Outstanding Natural Beauty.
- Loss of privacy and loss of light to adjacent properties.
- Request Swift Schwegler bricks and other bird bricks to be incorporated into external walls to make provision for nesting swifts.
- Type of houses proposed out of keeping with North Villas.

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.

A1 - Parking Requirements,
 A3 - Cycle network,
 C2 - Provision of recreational open space,
 ENV1 - Protection of trees, woodland, orchards and hedgerows,
 ENV2 - Tree planting within new developments,
 D7 - Design quality,
 D8 - Safety,
 D9 - A Co-Ordinated Approach to Dev and Highway Plan,
 D10 - Dwelling Sizes,
 D12 - Amenity space,
 MIN1 - East of Dene Barton, Cotford St Luke,
 SD1 - Presumption in favour of sustainable development,
 CP1 - Climate change,
 DM1 - General requirements,
 DM4 - Design,
 DM5 - Use of resources and sustainable design,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
 Development creates approx. 4423sqm of residential floorspace.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £553,000.00. With index linking this increases to approximately £735,500.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£35,609
Somerset County Council	£8,902

6 Year Payment

Taunton Deane Borough	£213,665
Somerset County Council	£53,414

Determining issues and considerations

Proposal

This application seeks approval of all matters not determined at the outline

application stage which are layout, appearance, scale, access and landscaping. The Local Planning Authority (LPA) in determining this application is only able to consider aspects of the development which relate to these matters. The principle of the development cannot be reconsidered.

A number of the representations submitted in connection with this application raise objections based on the principle. The LPA should not attach any weight to these specific matters as they are not for consideration in connection with this application.

Layout

The application site is part of an allocation for 'around' 60 dwellings and small scale Class B employment units' and the delivery of 30 dwellings with 3 live-work units was accepted by the LPA at outline stage, as meeting the requirements of this allocation in respect of the southern half of the overall allocation.

The proposed layout is in general accordance with the Design Brief relating to Policy MIN1 with an outward face to the east towards the proposed open space. The Design Brief highlighted the strong frontage formed by North Villas and suggested that this should be replicated on the other side of the road. This has been incorporated through the two blocks of terrace properties on the north west of the site. The Design Brief also indicated that there should not be a continuous through route and that dwellings on the southern element of the site should front both sides of the new internal estate road, as has been proposed.

The overall layout is considered to be appropriate in view of the Design Brief and the topography, form and nature of the site.

Appearance

The proposed dwellings would be of gabled roof design, which would reflect existing designs in the surrounding area. It is proposed that elevations would be of Ibstock Brunswick Red brickwork with roofs of grey or brown Marley Eternit double roman tiles. The windows and doors would be UPVC.

It is not proposed to provide accommodation within the roof of any dwellings and therefore no rooflights or dormers are included in the scheme. The proposed design would reflect elements of the scheme recently approved on the adjacent site to the north and evident on nearby properties. It is therefore considered acceptable.

Scale

All dwellings are proposed to be two storeys, which represents the large proportion of housing within Cotford St Luke and that recently approved on the adjoining site to the north. The scheme incorporates a mix of detached, and semi-detached properties with one property being divided into two flats, along with two blocks of terrace properties. There is therefore a variety of properties of varying scale and this is reflective of the recently approved development to the north, as well as existing properties in the locality. The proposed scale is therefore in keeping with the character of the surrounding area.

Landscaping

The adopted Site Allocations and Development Management Plan includes a design brief for the development of the overall allocation which incorporates this site. This sets out the design and layout anticipated by the LPA in respect of any proposal for the site. MIN1 specifically relates to this issue and in view of the strong views towards the site, highlights the importance of constraining development to the western part of the site, with substantial landscaping provided in the eastern part.

It is noted that there will be some loss of hedgerows and trees, however there is substantial landscaping proposed throughout the site, including tree planting along parts of the new estate road and on the northern element of the western boundary, reinforcement of existing boundaries through woodland/copse planting, along with the planting of meadow grassland.

Overall, the proposed planting will provide an appropriate level of mitigation so as to soften the impact of the development on the overall landscape, including views from the Quantock Hills AONB. As such, the submitted landscaping scheme is considered to be acceptable.

Impact on Amenities

The application site is predominately discrete with its location on the edge of the built up area of Cotford St Luke, with Dene Barton Hospital to the south. The exception to this is the northern element of the western boundary which abuts a section of Dene Road which runs north/south and has the existing housing at West Villas on the opposite side facing the site.

This section of the development incorporates terrace housing fronting onto Dene Road opposite these properties. The proposed dwellings are however set back from the road, with an area of parking and small garden areas to the front. The separation distances between the existing and proposed dwellings is therefore considered sufficient to avoid any loss of privacy, loss of light or overbearing impact that would warrant refusal of this reserved matters application.

On the southern part of the site, the combination of the change in levels between the site and adjacent footpath to the west, along with the closest units (the live work units) being set some distance away is not deemed to result in harm to the amenities of the occupiers of the existing dwellings on the opposite side of the footpath.

There are no residential properties located in close proximity to any other boundaries of the site. The proposal is not therefore deemed to result in harm to the living conditions of the occupiers of any nearby dwellings that would warrant refusal of the application.

Flood Risk

The principle of development at the grant of outline planning permission established that it is possible to develop the site without risk of flooding to the new properties and without increasing the risk of flooding off site. This is subject to a separate condition attached to the grant of outline planning permission, which will need to be discharged, although there is no obligation for this to be done at the same time as

the reserved matters application.

Despite the comments from the Lead Local Flood Authority, this is already covered by the condition on the outline consent. On the basis that the applicant has chosen not to discharge this condition at this stage, no consideration can be given as part of the reserved matters application.

Highway Safety

The Transport Development Group states 'In terms of traffic impact, the Highway Authority did not consider the previous application as severe in terms of chapter 4 of the National Planning Policy Framework (NPPF) and therefore there is not considered to be a reason for a recommendation of refusal on traffic impact grounds.'

The point of vehicular access proposed is in line with that envisaged through the Design Brief. In addition, the pedestrian/cycle link shown in the northern boundary is as required by Condition 5 of the outline consent.

The Transport Development Group raises no concerns to the proposal, subject to specifications, the undertaking of a survey of the existing public highway and a Construction Environmental Management Plan. These matters are dealt with by conditions.

The Transport Development Group query details of surface water drainage details and as explained above, this would be dealt with through the discharge of condition attached to the outline application.

The Transport Development Group raise no objection to parking and sets out the requirements for this. The construction of the roads to adoptable standard will be secured by the existing condition 8 on the outline consent that requires detailed designs to be submitted and approved.

The travel plan requirement is secured under condition 10 of the outline planning application.

Minimum Space Standards

The individual dwelling types proposed are in general accordance with the Minimum Space Standards set out in Policy D10 of the Site Allocation and Development Management Plan and amended plans have been submitted to address the properties that did not confirm to the minimum standard.

Biodiversity

This is a matter of principle that was considered at the outline planning application stage. A condition (Condition 3) was attached to the grant of outline planning permission which requires submission of a Wildlife Strategy but this was not submitted with this reserved matters application, nor is there any obligation for it to be dealt with at reserved matters stage. It would therefore need to be discharged by

way of a separate application at a later date.

On the basis that the applicant has chosen not to discharge this condition at this stage, no consideration can be given as part of the reserved matters application.

Conclusion

The principle of the development for housing was established through the sites allocation within the adopted Plan, and the subsequent grant of outline planning permission.

The details of the reserved matters addressing appearance, scale, layout, access and landscaping are considered to be in general accordance with the form of development envisaged in Policy MIN1 and the associated Design Brief. There is not considered to be any consequences of the proposed elements that would justify the refusal of this application for reserved matters approval. The recommendation is therefore one of approval subject to conditions.

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

Contact Officer: Mr B Kitching

47/18/0013

MR & MRS J WILLIAMS

Demolition of single storey extension and conservatory to be replaced by erection of two storey extension and single storey extension with balcony at Stockton Cottage, to form single dwelling with Ivy Cottage, Bickenhall Lane, West Hatch

Location: STOCKTON COTTAGE, BICKENHALL LANE, WEST HATCH,
TAUNTON, TA3 5RS

Grid Reference: 327298.119759

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) Location Plan

(A4) Proposed Site Plan

(A2) DrNo 0809 003 Proposed Ground Floor Plan

(A2) DrNo 0809 004 Proposed First Floor Plan

(A2) DrNo 0809 006 Rev A Proposed Elevations

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 and has granted planning permission.

Proposal

Permission is sought for the demolition of single storey extension and conservatory to be replaced by the erection of two storey extension and single storey extension with balcony to form single dwelling with Ivy Cottage.

The application is before committee as the applicant is a Council Member.

Site Description

Stockton and Ivy Cottages are a pair of rendered and stone cottages. There is a conservatory on the eastern elevation. There is a large garden to the south of Ivy Cottage.

Relevant Planning History

No relevant planning history.

Consultation Responses

WEST HATCH PARISH COUNCIL - Stockton Cottage has been in the applicants possession for some 10 years and has been rented out for holiday and short term lets and as such has not contributed to the available housing market for local domestic use. The proposal is to join, by gaining internal access, the extended Stockton Cottage to the applicants own residence, Ivy Cottage.

The planned extension to Stockton Cottage consists of a small double storey addition to the rear of the present cottage, which will hardly be visible from the road, plus a balcony over what is presently a conservatory, this to be replaced by a better constructed lower floor. The balcony, although having panoramic views, only overlooks a bungalow some 50-100 yards distant and behind a substantial hedge. Hence there is minimal overlooking of any nearby residence and very little change to the visual amenity.

In conclusion, although concerned at the loss of potential housing in a rural community, West Hatch Parish Council does not object to this application.

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.

DM1 - General requirements,
D5 - Extensions to dwellings,

This takes into account the recent adoption of the SADMP.

Determining issues and considerations

The proposed two storey extension is considered to be subservient in scale and design it is therefore considered that the proposal complies with policy D5. The two storey extension is to the south elevation and will be screened from the road by the existing dwelling and is not considered to have a detrimental impact upon the streetscene or the amenity of neighbouring properties.

There is an additional window proposed at first floor level on the north elevation. This is not considered to significantly exacerbate the existing situation as there are other windows at first floor level.

The alterations to the east elevation include the removal of the conservatory and the erection of a single storey extension with a balcony above. It is not considered that the erection of the balcony will have a significant impact on the amenity of the neighbours to the north due to the distance, approximately 22m over the main road, and the existence of a high hedge.

The conversion of two dwellings to one is not considered to have a detrimental impact upon the residential amenity or character 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

48/18/0035

MASHMRC

Variation of Condition No. 02 (approved plans) of application 48/17/0043 on land adjacent to the A38 off Hardys Road, Monkton Heathfield

Location: LAND ADJACENT TO A38 AND HARDYS ROAD, BATHPOOL,
TAUNTON

Grid Reference: 325820.126248

Removal or Variation of Condition(s)

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

(A3) DrNo 17-16.01B Location and Block Plan

(A1) DrNo 17-16.03.J Proposed Site Layout Plan

(A1) DrNo 17-16.04.D Proposed Site Sections

(A2) DrNo 17-16.08.H Block D, Proposed Plans, Elevations and Section

(A1) DrNo 120904-C.01 Rev D Drainage Layout

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

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

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

3. (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to the use of the building commencing. The scheme shall include details of the species, siting and numbers to be planted.

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

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy

weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

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

4. Prior to use of the building commencing 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 the approved details. The works shall be retained in that form.

Reason: To prevent discharge into nearby water courses and ensure the adequate provision of drainage infrastructure.

5. No deliveries or vehicle movements, other than staff arriving and leaving, to and from the premises, shall take place within the site outside the hours of 7.30hrs – 19.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

6. No business operations, other than within the building, including staff arriving and leaving the premises, shall take place within the site outside the hours of 6.00hrs – 22.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

7. The use of the building shall not be commenced until space has been laid out, drained and surfaced within the site in accordance with the approved plan for the parking, turning, loading and unloading of vehicles, and such areas shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles associated with the development.

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

8. Prior to the use commencing the cycle parking shall be provided on site in accordance with the approved details and shall be maintained thereafter in connection with the use hereby granted.

Reason: In the interests of highway safety.

9. The waste storage facilities shown on the approved plan shall be constructed and fully provided prior to the use of the building commencing , and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

10. There shall be no storage of materials and waste other than in the designated areas shown on the approved plan.

Reason: To ensure the proposed development does not harm the character and appearance of the area and the residential amenities of surrounding properties.

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

Reason: To prevent adverse impacts upon the visual amenity of the area.

12. The Travel Plan approved for this development shall be implemented within two months of the development being first used or occupied. A transport mode and travel pattern survey shall thereafter be conducted not less than every 12 months for a minimum period of five years from the first use or occupation of the development and shall examine the contribution that can be made by cycling, public transport, car sharing, the provision and control of car parking, teleworking, and emergency taxi cover. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved. The Local Planning Authority shall be notified of the results of the survey not later than the end of each calendar year.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the windows to be installed in the north elevation of the all blocks shall be constructed with tinted glass. The details of the tinted glass shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason To protect the amenities of adjoining residents.

14. Prior to the use of the building commencing, the details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be carried out in accordance with the approved details and thereafter maintained as such.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no other external lighting shall be erected without the benefit of planning permission.

Reason: To safeguard the amenities of surrounding residents.

15. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology's Preliminary Ecological appraisal dated August 2017, and include:

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

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

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect and accommodate wildlife

Reason for pre-commencement - To ensure site works do not detrimentally affect wildlife

16. Development shall be constructed in accordance with the levels shown on the approved plans.

Reason In order to protect the amenity of adjacent residential properties.

17. 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:

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

Reason; In the interest of the amenities of surrounding properties.

Reason for pre-commencement; In the interest of the amenities of surrounding properties.

Notes to Applicant

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

Proposal

Retrospective planning permission is sought to variation of Condition No. 02 (approved plans) of application 48/17/0043 on land adjacent to the A38 off Hardy's Road, Monkton Heathfield. The changes to the approved plans comprise;

- Finished floor levels raised from 22.45 to 22.475 and slight change to level of access road
- Increase in height of the building – eaves height from 5.8m to 6.6m, ridge height from 7.8m to 8.8m.
- Reduces amount of landscaping – one tree removed from the east elevation of the building and one tree removed from the southern elevation of the building.
- Addition of enclosure attached to the west elevation for 3no. skips and an oil tank.
- Removal of detached structure for storage of skips.
- Alterations to the doorway on east elevation
- Alterations to internal layout

Site Description

The site forms part of an allocated site for employment use and has full planning consent for class B1 & B8 use as part of Monkton Heathfield Urban Extension. An access road has been put into the site and the building is under completion.

To the north of the site are residential properties which have been built as part of Monkton Heathfield Urban Extension, access to these properties is off Hardy's Road. Two of the properties to the North front directly onto the site access. There were also residential properties to the South West boundary of the site.

Relevant Planning History

48/17/0043 Erection of commercial building for Class B1/B8 usage, with amenities, on land adjacent to the A38 off Hardys Road, Monkton Heathfield

48/05/0072 PROPOSED MIXED USE URBAN EXTENSION DEVELOPMENT COMPRISING RESIDENTIAL, EMPLOYMENT, LOCAL CENTRE, NEW PRIMARY SCHOOL, A38 RELIEF ROAD, GREEN SPACES AND PLAYING FIELDS AT MONKTON HEATHFIELD

48/13/0005 CHANGE OF USE FROM RESIDENTIAL TO COMMERCIAL DEVELOPMENT SITE HUT AT WHITE COTTAGE, BRIDGWATER ROAD, BATHPOOL Conditional Approval 07/03/2013

48/15/0037 CONSTRUCTION OF SITE ACCESS ROAD EXTENDING FROM EXISTING ACCESS HEAD AT WHITE COTTAGE, BRIDGWATER ROAD, BATHPOOL Conditional Approval 15/10/2015

Consultation Responses

WEST MONKTON PARISH COUNCIL - no comment

SCC - TRANSPORT DEVELOPMENT GROUP - no comment

BIODIVERSITY - no comment

WESSEX WATER - no comment

LANDSCAPE – Increasing of the height will exaggerate the issue further

Representations Received

17 letters of objection have been received;

- Overlooking into houses & gardens.
- Electrical transformer has been erected.

- Heavy planting should surround the site around residential housing.
- Property values affected.
- Increased risk of traffic accidents.
- Increased noise pollution.
- Invasion of privacy.
- Misrepresentation of what land was originally meant to be used for.
- Increased traffic.
- Request for trees to be planted around the building.
- Contractors should compensate the immediate properties which are affected.
- Lack of detail on precise changes to approved plan.
- If the building is substantially different to what was granted the application should be refused as it is directly contrary to the interests of the residents which had been taken into account on the original application.
- Objection to increase in height.
- A condition stopping any mezzanine should be added if planning permission is granted.
- TPO's should be applied to the trees otherwise the landscaping could be removed.
- Application has been started with complete disregard for the original permission, with no consideration for the environment and occupants of surrounding properties.
- Building is out of character with everything around it.
- There should be sufficient landscaping to hide the variations along with complete screening on the northern and eastern faces of the building that faces properties.
- It would appear that the builder has blatantly disregarded the height previously agreed. There is no excuse for such an error by an experienced builder.
- The builder should be required to make such adjustments necessary so that the building complies with what was granted.
- Building will tower over other buildings planned for the site.
- Granting planning permission will leave the door open for others to disregard any future restrictions.

Cllr Cavil - the steelwork is 1 metre higher than the original at the ridge; any reduction in landscaping should be resisted; the raised access road will enable lorry drivers to see into first floor windows; the application should include a reasonable landscaping scheme to the north of the building; A comparatively small landscaping scheme against the perimeter fence in the triangular piece of land to the north should be included and would make a difference for those affected properties.

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.

A1 - Parking requirements,
A2 - Travel Planning,
A3 - Cycle network,
A5 - Accessibility of development,
ENV2 - Tree planting within residential areas,
ENV4 - Archaeology,
D7 - Design quality,
D8 - Safety,
D13 - Public art,
CP1 - Climate change,
CP2 - Economy,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
SP2 - Realising the vision for Taunton,
SS1 - Monkton Heathfield,
DM4 - Design,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

No increase in floorspace – no change to CIL requirements

New Homes Bonus

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

Determining issues and considerations

The application seeks to approve revised plans for the building. The only issues which can be considered are the impacts from the alterations to the consented scheme.

This site adjoins residential properties to the north and to the West. On the original application it was acknowledged that the height of the building was intentionally designed to be low to minimize its overall impact. The main consideration is the impact of the increase in height of the building on the amenities of the surrounding properties and the character of the area. The proposed amendments are not considered of detriment to the appearance of the building itself. The building will be more dominant as a result of the increase height so there may be a small increase in its impact upon the amenities of surrounding residents, in terms of its overbearing

impact. The proposed building will be significantly higher than the adjoining dwellings and therefore be more dominant in the street scene. However, there is considered to be no increase in loss of privacy.

In an attempt to negotiate some improvements on the scheme and to ease the concerns of surrounding residents the applicant was asked to provide some additional landscaping to reduce the increased impact, but this has not been forthcoming and the application needs to be determined as submitted.

Whilst there is considered to be an increase in impacts from the proposed buildings the surrounding properties are sufficient distance away for the impacts to not be significant. The impacts therefore are not considered sufficient to warrant a refusal.

Other matters

The transformer building which has been erected is located outside of the red line boundary and does not form part of this application.

The proposals will not increase traffic to the site or noise pollution from the building.

TPO's cannot be implemented or conditioned through this application.

The use of the site and the adjoining land do not form part of the material considerations of this application.

Conclusion

Whilst there is a small increase in the impacts from the proposed alterations they are not significant enough to warrant a refusal and the application is recommended for approval.

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

Contact Officer: Ms F Wadsley

Agenda Item 8

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: Costs Decision 04 Oct 2018

Site: OLANDS, BURN HILL, MILVERTON, TAUNTON, TA4 1JP

Application number: 23/17/0020

Proposal: Erection of 4 No. dwellings with garaging and associated works with extension to primary school car park facilities at Olands, Burn Hill, Milverton

Appeal Decision: Dismissed

Site: HILLSIDE, EAST NYNEHEAD ROAD, NYNEHEAD, WELLINGTON, TA21 0DD

Application number: 26/17/0013

Proposal: Erection of 1 No. dwelling with detached double garage and associated works in the garden to the side of Hillside, East Nynehead

Appeal Decision: Dismissed

Site: 30 LAWN ROAD, STAPLEGROVE, TAUNTON, TA2 6EH

Application number: 34/18/0007

Proposal: Erection of ground floor extension on the west elevation and alterations to roof to create dormer bungalow at 30 Lawn Road, Staplegrove

Appeal Decision: Dismissed

Site: POETS VIEW COTTAGE, BISHPOOL LANE, SPAXTON, BRIDGWATER, TA5 1DS

Application number: 06/17/0045

Proposal: Erection of two storey extension to side, single storey extension to side and rear and conversion of outbuilding to additional accommodation at Poets View Cottage, Bishpool

Appeal Decision: Dismissed



Costs Decision

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2018

**Costs application in relation to Appeal Ref: APP/D3315/W/18/3195540
29 Richards Close, Wellington, Somerset TA21 0BD**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mitchell Developments Limited for a full award of costs against Taunton Deane Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing garage and shed and erection of new house in the garden of 29 Richards Close, Wellington.
-

Decision

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

Preliminary Matter

2. The appeal letter stated that this costs application would be the subject of a separate decision, and therefore was not issued concurrently. The Inspector who decided the appeal is no longer available and this application has been passed to me. As the planning merits of the proposal have already been determined, this costs application is decided on the existing evidence and a further site visit has not been carried out.

Reasons

3. Advice over the award of planning appeal costs is set out in the Government's Planning Practice Guidance (PPG). It states the established premise that parties to an appeal normally meet their own costs. However, where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. Unreasonable behaviour in this context may be procedural, relating to the appeal process, or substantive, relating to issues arising from the merits of the appeal.
4. The applicant refers to paragraphs 186 and 187 of the previous National Planning Policy Framework (the Framework) concerning decision-making. The revised Framework, published by Government on 24 July 2018, makes little material change to this earlier content. The part quoted is replaced by paragraph 38 which continues to encourage local planning authorities to approach decisions on proposed development in a positive way and to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. However, I consider it remains reasonable for local planning authorities to make a judgement over whether a proposed development would achieve such aims.

5. The substance of the decision was partly over the harm the proposal would cause to the character and appearance of the area. Whilst a revised scheme might have overcome the further reasons, relating to living conditions for future and neighbouring occupiers, this would not have altered the harm the Council had found in respect of character and appearance. The PPG gives examples¹ of the types of behaviour that may give rise to a substantive award of appeal costs against the Council. The Inspector had arrived at a contrary judgement to the Council and allowed the appeal. However, based on the behaviours cited in the PPG, I do not consider that the Council had in this case prevented a development which should clearly have been permitted, based on policy and other material considerations, or had failed to substantiate the reasons for refusal.
6. There is nothing to show the Council had failed to give the proposal suitable consideration or had made basic errors in its assessment. Therefore I do not consider there to be any fault in the Council's decision in a substantive sense for a finding of unreasonable behaviour to be justified for this reason.
7. The PPG also requires that local planning authorities behave reasonably in relation to procedural matters at the appeal², for example by complying with the requirements and deadlines of the process. Lack of co-operation with the other party is one reason given as potentially resulting in an award of costs. The applicant's case mainly relates to this, whereby it was felt that insufficient opportunity had been given for pre-application negotiation, with the Council appearing under pressure to issue a decision to meet the statutory target date.
8. The evidence is that there was no clear avenue for amending the proposal to overcome the Council's character and appearance concerns. Nevertheless, the applicant had been advised of the officer's recommendation and could have withdrawn the proposal and sought negotiations over a revised application, rather than at that stage pursuing an appeal. On this basis, I do not find there to be a sufficient case made that the Council had behaved unreasonably in a procedural sense.

Conclusion

9. For the reasons explained I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, this application for costs is refused.

Jonathan Price

INSPECTOR

¹ Paragraph: 049 Reference ID: 16-049-20140306

² Paragraph: 047 Reference ID: 16-047-20140306



Appeal Decision

Site visit made on 4 September 2018

by Steven Rennie BA (Hons) BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2018

Appeal Ref: APP/D3315/W/18/3203147

Site at Burn Hill, Milverton, Taunton, Somerset TA4 1JP

- 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 Ippee Design Ltd against the decision of Taunton Deane Borough Council.
 - The application Ref 23/17/0020, dated 23 June 2017, was refused by notice dated 10 November 2017.
 - The development proposed is for a residential development with primary school car park extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are whether the development is in an appropriate location for a residential development; and whether the development would preserve the setting of the listed building known as Olands House.

Reasons

Location of Development

3. The proposed development of dwellings is on a site outside of the defined settlement boundary of Milverton. Although the site is close to this boundary it is within the 'open countryside' as defined by policy SP1 (Sustainable Development Locations) of the Council's Adopted Core Strategy. In accordance with adopted Core Strategy policy DM2 new residential development is only supported in the countryside if it is for affordable housing, which this development is not. Consequently, there is an in principle conflict with the development plan.
4. It is recognised that this site is adjacent to the settlement boundary of Milverton. It is also not an isolated site, being adjacent to a school and the residential Olands House and its grounds. However, the site is not well connected to the village core as the highway from the proposed access to the village centre (Burn Hill – B3187) does not include sufficient footpaths or lighting. The same is true for the highway Butts Lane to the north of the site, which also connects with the village centre. There is a path that leads from the school through a small area of woodland towards the village centre but it is unclear whether this would be available for future occupants of the proposed

dwelling at all times or whether it is regularly well lit in the evenings and night. Therefore, I would regard it likely that there would be a reliance on the use of private vehicles to access services and facilities from this site.

5. As such, the proposed development would not provide a suitably accessible location for a new dwellings having regard to planning policies that seek to create sustainable patterns of growth. Consequently, the proposal would be contrary to the National Planning Policy Framework's (the Framework) aims of minimising the need to travel and supporting the transition to a low carbon future. Whilst the appellant's comments regarding the organic development of the village are noted, this must be achieved in a sustainable way with accessible residential developments.
6. In conclusion, although not an isolated site and adjacent to the settlement boundary of Milverton, the proposed development would represent the introduction of residential development into a countryside location which is inappropriate as it is not an accessible location in the terms within the Framework and would undermine the sustainable pattern of growth for settlements set out within the Council's Development Plan.
7. I have taken into account the proposed additional car parking as a part of the proposed development which would be used by the adjacent school. Whilst this would have some benefit this would not be sufficient justification to outweigh the harm outlined above.
8. In this regard, the development would be contrary to policies SP1 and DM2 of the adopted Taunton Deane Core Strategy 2011-2028 and policy SB1 of the adopted Taunton Deane Site Allocations and Development Management Plan (December 2016). These policies seek to, amongst other things, prioritise accessible and sustainable locations for development, restrict development in the countryside to ensure a sustainable approach and maintain the quality of the countryside.
9. I acknowledge the comments regarding the Butts Way development and its proximity to the village centre of Milverton. However, I do not have full details of this development or associated planning applications. As such, I cannot fully compare this development with that proposed with this scheme and this matter does not alter my opinion on the main issue.
10. I have had regard to the Milverton Parish Council comments 'Response to the Council's Site Allocation and Development Management Plan' prior to its adoption. I have also taken into account the comments made by the Parish Council to this proposal. The Parish Council make clear that their comments relating to site allocations should not be taken as support for this proposal and they support the adopted policies of Taunton Deane Council. As such, I give previous comments by the Parish Council relating to the Development Plan little weight when considering this proposal.

Effect to setting of listed building

11. The site is to the south of Olands House, which is an early 19th Century Grade II listed building. This is a large residential building, originally a house which would have been set in landscaped gardens. This heritage asset is prominent within its setting on the edge of the village. The appeal site is an area of open land which forms part of the verdant setting of Olands House. There are clear

- views of the site from the south elevation of Olands House across towards the hedgerow screen adjacent to the school car park.
12. I regard the predominantly open and undeveloped area to the south of Olands House to positively contribute to the setting and significance of this listed building, reflecting the openness and rural historic layout of the house. Whilst this land may have been a playing field it does not appear to have been used as such for some time. In any case, it is likely that a playing field would have maintained a sense of openness to this part of the listed building's setting.
 13. Whilst there may not be specific mention of this part of the setting within the listed building description, this does not negate its importance. The listed description does not include all aspects of the heritage asset that contributes towards its significance.
 14. The introduction of the dwellings as proposed would erode this spacious and undeveloped area to the south of Olands House, disrupting its historic setting and layout, thereby adversely affecting the significance of this important heritage asset.
 15. I note the proposed landscaping to the north of the site, which would help screen the development from Olands House. However, this would not overcome the loss of openness to this part of the setting of the listed building, but would rather result in it being more enclosed as a result of the landscaping. I understand that there could be tree planting on the site without the need for planning permission which could alter the setting of Olands House, but my decision is based on the current situation. Furthermore, it is my view that permanent buildings would likely have more of an impact to the setting of the listed building than new planting or an alternative agricultural use of this site.
 16. I acknowledge the comments that the setting of Olands House may have been already compromised with the school development and car park for example. However, this does not mean that further development that adversely affects the setting of this listed building should be accepted. I also note the development of the buildings around Olands House. Although these appear to be mainly the change of use of old associated buildings rather than the introduction of new buildings.
 17. The proposed development would harm the setting of the listed building. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits of the proposal. There would be some public benefit in providing additional housing which could in some way support the vitality of the village, together with the economic benefits of the construction phase. I also acknowledge that there would be some benefit derived from the additional car parking for the school. However, these would not offset the identified harm, to which I must attach considerable importance and weight.
 18. I understand that there has been planning permission for a wind vane in the vicinity of the appeal site which has not been erected. However, this is a very different form of development than that proposed in this case. I also do not have full details of the vane. I therefore attached this background little weight. Nonetheless, each case should be considered on its own merits.

19. The Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
20. The appellant has drawn my attention to paragraph 194 of the Framework in respect to registered parks and gardens. I am not aware of any such designation at this site, but this does not mean that the site is not of significance as part of the setting of the listed building. Furthermore, I am not aware of any reason why there would be an issue relating to the viability or 'viable value' of the listed building and so see no reason why there would be a loss of its protected status. I have considered this appeal as being a development proposed within the setting of an important heritage asset.
21. Furthermore, the statutory duty in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act requires the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
22. Considering all the above, the proposed development would fail to preserve or enhance the setting of the listed building. The proposal therefore is contrary to policies DM1, DM2 and CP8 of the Taunton Deane adopted Core Strategy 2011-2028. These policies seek to, amongst other things, ensure against unacceptable harm to the character of an area or building, and protect the interests of historic assets, including those in the open countryside.

Other Matters

23. The matter of the soundness of the Development Plan has been raised by the appellant. However, whilst I acknowledge the information received I do not have sufficient detail to consider whether the site should have been included in the settlement boundary or not as part of the process of adopting the Development Plan. As a matter of fact, the development plan puts the site outside of the development boundary. However, I have accepted that the site is adjacent to the settlement boundary but the circumstances of the site with the poor level of accessibility that can be provided to future residents' means that I have identified harm relating to the site's location.
24. I acknowledge the comments regarding local housing needs and the importance of small sites being developed. However, I understand that the Council can demonstrate sufficient housing land supply and the provision of new dwellings does not outweigh the harm I have identified above.
25. I have had regard to the appellants' concerns regarding communication from the Council during the planning application process, but that does not affect my assessment of the planning merits of the scheme before me.
26. There has been an issue relating to land ownership and rights of access raised with the submitted documentation by various parties. However, I do not have sufficient information to make any informed decision as to these matters and given that the appeal is failing, these are of limited consequence. They also have very little bearing on the planning merits of the case.

Conclusion

27. For the reasons given above, the appeal should be dismissed.

Steven Rennie

INSPECTOR



Appeal Decision

Site visit made on 28 August 2018

by A Spencer-Peet BSc.(Hons) PGradDip.Law PGDip.LP

an Inspector appointed by the Secretary of State

Decision date: 8th October 2018

Appeal Ref: APP/D3315/W/18/3203331 Hillside, East Nynehead, Wellington TA21 0DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Wadham against the decision of Taunton Deane Borough Council.
 - The application Ref 26/17/0013, dated 2 December 2017, was refused by notice dated 23 March 2018.
 - The development proposed is new dwelling at Hillside.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would be in a suitable location for a new dwelling, having regard to the principles of sustainable development.

Reasons

3. Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan (hereinafter referred to as 'the SADMP') confirms that development outside of the boundaries of certain designated settlements, as set out in Policy SP1 of the Adopted Taunton Deane Core Strategy (hereinafter referred to as 'the Core Strategy'), will be treated as being in open countryside, in order to maintain the quality of the rural environment and ensure a sustainable approach to development. The appeal site is located at the periphery of East Nynehead, which is not a settlement which has been designated under Policy SP1 of the Core Strategy.
4. Accordingly, Policy DM2 of the Core Strategy sets out those forms of development which would be considered appropriate in the open countryside. It is apparent that the appeal proposal does not relate to any of the criteria

~~provided under this policy which, through the application of restrictions, seeks to protect and enhance the quality of the local landscape whilst promoting sustainable patterns of development.~~

5. The appeal site is located at the very edge of East Nynehead, a small rural settlement with no facilities in its own right. The proposed dwelling would be located so as to not be isolated from other dwellings, and would be within walking distance of the main part of the settlement where a parish noticeboard is to be found.

6. As such, the nearest settlement to the appeal site which provides access to services and facilities is to be found approximately two miles away in the town of Wellington. Wellington offers access to a range of shops, health facilities, access to major transport infrastructure and employment opportunities. Further away from the appeal site, and approximately two and a half miles from East Nynehead, the village of Oake provides a limited amount of services in support of the surrounding area.
7. Once outside the main group of dwellings which comprise East Nynehead, the highways become narrow and confined. The roads leading to the nearby settlements and facilities provide no lighting or pedestrian footpaths and, due to their cramped and meandering nature, would make walking or cycling to those facilities generally unattractive particularly during the winter and in adverse weather conditions.
8. I therefore conclude that it is highly likely that future residents of the proposed dwelling would be heavily reliant on using private motor vehicles to serve their everyday needs, and as such the proposal does not accord with the objectives of Policy DM2 of the Core Strategy which restricts development in the open countryside where there is limited or no access to public transport, pedestrian and cycling routes. The proposed dwelling would therefore not be in a suitable location in this respect.
9. Further, and in line with the principles provided within the National Planning Policy Framework, Policy SD1 of the Core Strategy emphasises the presumption in favour of sustainable development. In determining the suitability of a location with regards to sustainable development, a number of mutually dependent dimensions must be considered. As such I am conscious that rural housing can contribute to sustainable development where it will enhance or maintain the vitality of rural communities. However I have not been provided with any information to suggest that an additional dwelling would give significant support to the surrounding rural settlements of Nynehead, Oake or Bradford-on-Tone.
10. Further it has been put to me by the appellant that the proposal will provide a positive benefit in respect of the social dimension of sustainable development, with regards to the provision of an additional property towards the area's housing supply. However I find that any such benefit would be small, relating only to a single dwelling and insufficient to outweigh my finding that it would not be in a suitable location for a dwelling, having regard to the principles of sustainable development as identified above.
11. The appellant has drawn my attention to the effect of the proposal on the quality of the local landscape. In this respect the proposed dwelling would be confined within the existing rear garden and land associated with Hillside. Views of the appeal site would be limited by the high hedges which line this section of East Nynehead, with the proposal being orientated to be in alignment with its neighbour and parallel to the highway. As such, I therefore find that the proposal would not represent significant harm to the quality of the local landscape. However I also conclude that the proposal would not preserve or enhance the local landscape, and thereby would be contrary to Policy CP8 of the Core Strategy. As such, this does not alter my finding that the appeal site would not be a suitable location in respect of access to services and facilities.

12. For the above reasons, the proposal would not be in a suitable location for a dwelling, having regard to the principles of sustainable development. As such, the proposed development would be contrary to Policy SB1 of the SADMP, and contrary to Policies DM2, SD1, SP1 and CP8 of the Core Strategy which seek to restrict and prevent unsustainable development in the countryside.

Other Matters

13. The appellant refers to another appeal decision, in respect of a proposed development outside of the designated settlements and which was deemed to be in a suitable and sustainable location. However, I have received no details of that case to enable me to compare circumstances, and as such I have determined this appeal on its own merits.
14. I have also considered the personal circumstances put forward by the appellant in determining this appeal. As such I understand that the proposed dwelling is to be occupied by members of the appellant's family and I acknowledge the desire of the appellant to be close to his grandchildren. In this regard the appellant has further drawn my attention to the belief that the proposal would reduce the number of trips taken by private motor vehicle, as the appellant's grandchildren currently visit on a regular basis from further afield. However, whilst I sympathise with the appellant's desire to be closer to his immediate family, such personal circumstances seldom outweigh general planning considerations. The personal circumstances of the future residents of the proposed dwelling, and their relationship to Hillside, may not always be the same, whereas the development would represent a permanent feature.

Conclusions

15. I have found that the proposal would be contrary to the policies within the Development Plan and other material considerations are not sufficient to outweigh that conflict. I therefore conclude, having regard to all matters raised, that the appeal should be dismissed.

Andrew Spencer-Peet

INSPECTOR



Appeal Decision

Site visit made on 4 September 2018 by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2018

Appeal Ref: APP/D3315/D/18/3207001

30 Lawn Road, Staplegrove, Taunton TA2 6EH

- 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 Dr David Brennand against the decision of Taunton Deane Borough Council.
 - The application Ref 34/18/0007, dated 12 April 2018, was refused by notice dated 11 June 2018.
 - The development proposed is alterations to a single storey house to form a first floor in the roof space by raising the roof and an enlarged kitchen / dining area by extending on the ground floor.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The replacement National Planning Policy Framework (the Framework) was published on the 24 July 2018. The parties were given an opportunity to comment on the policies within it, and I have had regard to those made in my decision.

Application for Costs

3. An application for costs was made by Dr David Brennand against Taunton Deane Borough Council. This application is the subject of a separate decision.

Main Issues

4. The Council have raised no issue with the ground floor side extension. Given the modest size of this extension, its design and retention of the existing windows, I have no reason to disagree with this. Consequently the main issues are firstly, the effect of the proposed first floor extension on the character and appearance of 30 Lawn Road and the surrounding area; and secondly, the effect upon the living conditions of nearby residents, having particular regard to privacy.

Reasons

Character and Appearance

5. 30 Lawn Road is a detached bungalow within a residential estate comprising similar ages and styles of bungalows and houses. The dwellings in the estate
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Appeal Decision APP/D3315/D/18/3207001

are very different to the mix of properties found along Rectory Road, which have a great variety of ages, styles and plot sizes.

6. The appeal property is part of a group of three bungalows to the northern side of Lawn Road. Constructed of brick and render under shallow pitched roofs, these bungalows form a short homogenous row of low profiled buildings. In addition to the repeated forms and sizes of the bungalows, they are centrally positioned within their plots and set back from the road behind regular shaped front gardens. Taken together these bungalows and those to the southern side of the road, give a harmonious appearance to the entrance of the estate that is noticeably different to the dwellings beyond them and also to those in Rectory Road.
7. The provision of a first floor would significantly increase the height and size of the existing bungalow. The tall and steeply pitched roofs would have a strong vertical emphasis that would be at odds with the modest height of the existing building and those nearby. The extended building would have an

overbearing prominence when compared to the low and shallow pitched roofed bungalows either side.

8. I appreciate there are a variety of different ages and styles of mostly houses along Rectory Road, and also further along Lawn Road. Nevertheless No 30 is part of a group of bungalows at the entrance to the estate that have a planned cohesion, sharing similar styles, materials and forms. Although the proposal would use materials to match those in the host building, the size and form of the extension would make No 30 noticeably taller and different, thereby unacceptably eroding this cohesion.
9. The appellant has drawn my attention to a number of nearby properties that have been extended, to an appeal decision for a bungalow in Bournemouth (ref: APP/G1250/D/17/3184070), and also to a permission for a large housing estate to the rear of Lawn Road. However, details of the latter have not been provided, and from my site visit I saw agricultural fields to the north of Lawn Road. As regards the Bournemouth case from the evidence provided it is not directly comparable as this property is within an area of individually styled dwellings of varying forms. Of the other extensions cited they are for nearby houses rather than bungalows and as such are very different to the appeal scheme, thereby limiting the weight I can attribute to them.
10. Thus, the first floor extension would unacceptably harm the character and appearance of 30 Lawn Road and the surrounding area. This would be contrary to Policy DM1 of the Taunton Deane Core Strategy (2012) (CS) and Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan (2016) (DMP). These seek, amongst other things to prevent harm to the character and appearance of a host building and that of an area, reflecting objectives of the Framework.

Living Conditions

11. There is already a degree of overlooking occurring between the occupiers of some of the surrounding houses and bungalows. 28 Lawn Road is next to a house, and the rear garden of this bungalow is overlooked by the users of the first floor rooms of the neighbouring property. Moreover, the semi-detached houses to the rear of No 30 also have first floor windows that provide elevated views of nearby gardens. As regards these properties, the proposed bedroom

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window would not significantly increase the level of overlooking that currently occurs.

12. However, to the western boundary of the appeal property the rear garden of 32 Lawn Road is enclosed and private. Although there is a house to the rear of this bungalow, its first floor side windows are some distance away and obscure glazed, thereby minimising overlooking. I appreciate there has been no objection to the extension from the existing neighbours. Notwithstanding this, the proposed first floor rear bedroom window would provide its users with close views into the garden of No 32, and this would unacceptably erode the privacy enjoyed by current and future occupiers.
13. The appellant has referred to the principle of loft conversions within the existing roof structure being permitted development. Nevertheless, I have no evidence before me that the loft could be converted to provide habitable accommodation under such rights.
14. Thus, the proposed extension would unacceptably harm the living conditions of nearby residents, contrary to the requirements of DMP Policy D5. Like the Framework, this policy seeks amongst other things, to protect the residential amenity of the occupiers of other dwellings.

Other Matters

15. The appellant has raised a number of issues regarding the Council's handling of the application, including the assessment of the scheme and inconsistent officer opinions. I appreciate such matters

— would be of concern but they have to be pursued by other means separate from the appeal process and are not for me to consider with regard to the planning considerations of this case.

Conclusion

16. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR



Appeal Decision

Site visit made on 28 August 2018 **by A Spencer-Peet BSc.(Hons) PGradDip.Law PGDip.LP**

an Inspector appointed by the Secretary of State

Decision date: 16th October 2018

Appeal Ref: APP/D3315/D/18/3204563 Poets View Cottage, Bishpool, Spaxton, Bridgwater TA5 1DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Chris Morton against the decision of Taunton Deane Borough Council.
- The application Ref 06/17/0045, dated 18 December 2017, was refused by notice dated 22 March 2018.
- The development proposed is erection of a two storey extension to side, single storey extension to side and rear and conversion of outbuilding to additional accommodation.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the heading above I have used a version of the description of the proposed development based on that from the appeal form rather than the planning application form as it provides a briefer yet more comprehensive summary of the development proposed.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area, with particular reference to the Quantock Hills Area of Outstanding Natural Beauty (the AONB).

Reasons

4. Poets View Cottage is a modest sized dwelling which forms half of a pair of rural workers' cottages, and which is located in open countryside isolated from any settlements or services. The area surrounding the appeal site is characterised by hedge lined single track lanes which follow the contours of the open slopes and wooded valleys of the AONB, with the appeal site and its neighbouring stone finished cottage contributing to the distinctive rural setting.
5. As such, in accordance with the statutory duty set out in Section 85 of the Countryside and Rights of Way Act 2000, I have had regard for the special qualities and significance of the AONB, in terms of the natural beauty of the landscape and open undeveloped countryside providing dark skies at night. Furthermore, and in line with the objectives of the National Planning Policy

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Framework, I have attributed great weight to matters concerning the conservation and enhancement of the landscape and natural beauty of the AONB, in reaching this decision.

6. The appeal site is positioned on a valley slope, and is elevated above the level of the single track lane which runs past the front of the property. The roadway here is confined by high hedges, with part of the appeal site being visible from the immediate highway due to its elevated position. The proposed development is for a two storey extension to the side of the main dwelling, which in turn would have a wrap-around single storey extension to the property. By extending the house in this manner, existing free-standing outbuildings would be incorporated into the footprint of the dwelling. The exterior of the extensions would be finished in natural stone to match the main building.
7. Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan provides that extensions to dwellings will be permitted in principle, but subject to certain restrictions. As such I note that the appeal scheme would extend the original building by a considerable amount, and to an extent where the two storey extension would not appear subservient to the host building. Indeed, given its scale and siting the proposed development would, to a large extent, appear as an additional cottage and certainly undermine the attractive symmetry of the host pair of semis. Consequently, the proposal is in conflict with Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan, with particular reference to the scale of the proposed development.
8. In light of the above, I have further considered the effect of the proposal on the character and appearance of the wider landscape. Consequently, despite the use of sympathetic materials and its

set back from the roadway, the scale and bulk of the proposal would be a prominent feature on the landscape, and would appear overly dominant relative to the immediate neighbouring cottage. Whilst views of any new development in this location and position would be largely obscured for users of the lane immediately to the front of the property, the proposed development would be likely to be highly visible within the wider landscape due to the elevated level of the property on the hillside. I acknowledge that the proposed development would occupy only a small part of the entire hillside. Nonetheless, given the prominence of the proposed extended dwelling in comparison to its neighbour, the resulting development would draw the eye, and would thereby adversely affect the natural quality and beauty of the surrounding landscape.

9. In further consideration of the design, the proposed size and scale of the glazed folding doors to the front of the extension would be likely to result in an unacceptable increase in the levels of light pollution within the area. This harm would be exacerbated by reason of the position of the appeal site and its paired cottage, isolated on the slope of a substantial open hillside, and which would therefore be visible across the wider countryside. In this regard I have considered the details put forward by the Appellant, of properties within the AONB for which large glazed units have been permitted. However I have not been provided with any specific details of those matters, and cannot be sure that the circumstances, especially in terms of the relationship of the host building to the surrounding topography, are comparable to the case here.

10. I have also considered the Appellant's statement that the proposed development would allow him, and other members of his family, to work from home, thereby reducing the environmental impact of traveling to and from a separate place of work. Whilst I find this to be a materially positive element of the proposal, I do not consider that this potential benefit would outweigh the harm caused by the development. As such, and in consideration of the above, I conclude that the proposed development would be contrary to Policy CP8 and Policy DM1 of the adopted Taunton Deane Core Strategy Development Plan, with particular reference to the harm caused to the natural and environmental assets of the area.

Other Matters

11. The evidence includes details of other residential development and proposals in the area surrounding the appeal site and elsewhere, including numerous appeal decisions. While I have taken other development into account in respect of its influence on the character and appearance of the area, each proposal falls to be assessed primarily on its own merits and, in any event, I am not aware of all the circumstances associated with those other cases.
12. Furthermore I understand the wishes of the Appellant to provide additional space for his family, including for visiting friends and relatives. However such personal circumstances seldom outweigh general planning considerations, given that circumstances may change over time, whereas the development and the associated harm would be permanent. As such, I have attributed limited weight to these personal circumstances in determining this appeal.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew Spencer-Peet

INSPECTOR

APPEALS RECEIVED – 17 Oct 2018

**Site: HAWKSBIT FARM, LANGS FARM, OAKE ROAD, BRADFORD ON TONE,
TAUNTON**

**Proposal: Siting of mobile home for use as an agricultural workers dwelling on
land at Hawksbit Farm, Langs Farm, Oake Road, Bradford on Tone (retention
of works already undertaken)**

Application number: 07/17/0017

Appeal reference: APP/D3315/W/3193206
