

You are requested to attend a meeting of the Planning Committee to be held in John Meikle room, The Deane House, Belvedere Road, Taunton on 27 March 2019 at 5.00 pm.

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**Agenda**

- 1 Apologies.
- 2 Minutes of the previous meeting of the Planning Committee. (Pages 5 - 24)  
  
Minutes of the Planning meetings on the 6<sup>th</sup> and 26<sup>th</sup> February 2019. Attached
- 3 Public Question Time.
- 4 Declaration of Interests.  
  
To receive and record any declarations of disclosable pecuniary interests or personal or prejudicial interests in respect of any matters included on the agenda for consideration at this meeting.  
(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)
- 5 miscellaneous report - 09/18/0012 (Pages 25 - 34)  
  
Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/ horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken)
- 6 38/18/0291 (Pages 35 - 64)  
  
Demolition of buildings and erection of 62 No. units of extra care accommodation (Retirement Living Plus) including communal facilities, landscaping, car parking and circulation with vehicular access via South Street at Trinity Business Park and 80 South Street, Taunton
- 7 38/18/0357 (Pages 65 - 80)  
  
Erection of 72 No. retirement apartments, guest apartment, communal facilities, access, car parking and landscaping at the former Lidl site, Wood Street, Taunton (resubmission of 38/18/0079)

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|----|---|-------------------|
| 8  | 38/18/0465  | (Pages 81 - 98)   |
|    | Replacement of 26 No. Woolaway homes and the erection of an additional 21 No. dwellings and a community facility building, Phase 1, on parcels of land at Bodmin Road, Dorchester Road, Wells Close, Cambridge Terrace and Rochester Road, Taunton                |                   |
| 9  | 38/18/0467  | (Pages 99 - 118)  |
|    | Outline Planning Application with all matters reserved for the replacement and refurbishment of the Woolaway homes and the erection of additional dwellings to provide up to 230 No. dwellings on land located between Lyngford Lane and Dorchester Road, Taunton |                   |
| 10 | 38/19/0008  | (Pages 119 - 130) |
|    | Erection of a two storey cancer caring centre on land to the edge of the playing field adjacent to Musgrove Park Hospital, Taunton  |                   |
| 11 | 49/18/0045  | (Pages 131 - 164) |
|    | Outline planning application with all matters reserved for the erection of up to 94 No. dwellings and 9755sqm of mixed use light industrial units with associated works and access on land at Sandys Moor, Wiveliscombe   |                   |
| 12 | 49/18/0071  | (Pages 165 - 174) |
|    | Conversion of coach house into 1 No. dwelling at Tor House, 48 Ford Road, Wiveliscombe  |                   |
| 13 | 49/18/0072/LB   | (Pages 175 - 178) |
|    | Conversion of coach house into 1 No. dwelling at Tor House, 48 Ford Road, Wiveliscombe  |                   |
| 14 | 49/18/0073/LB   | (Pages 179 - 184) |
|    | Various alterations to walls and repositioning of vehicular access at Tor House, 48 Ford Road, Wiveliscombe   |                   |
| 15 | Latest appeals and decisions received   | (Pages 185 - 202) |

Bruce Lang  
Assistant Chief Executive

19 March 2019

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](http://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 Governance and Democracy Team on 01823 356356 or email [democraticservices@tauntondeane.gov.uk](mailto: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 T Hall

Councillor C Hill

Councillor I Morrell

Councillor S Nicholls

Councillor J Reed

Councillor N Townsend

Councillor P Watson

Councillor D Wedderkopp

## Planning Committee – 6 February 2019

Present: - Councillor Mrs Hill (Vice-Chairman)  
Councillors M Adkins, Cavill, Coles, Hall, James, Morrell, Mrs J Reed,  
Townsend, Watson and Wedderkopp

Officers: - Bryn Kitching (Planning Manager), Gareth Clifford (Planning Officer),  
Anna Penn (Agency Planner), Martin Evans (Solicitor, Shape  
Partnership Services) and Tracey Meadows (Democracy and  
Governance Case Manager)

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

(The meeting commenced at 6.15 pm)

### 8. Apologies/Substitutions

Apologies: Councillors Bowrah, Mrs J Adkins, Brown, Gage, Martin-Scott and  
Nicholls;

Substitution: Councillor Cavill for Councillor Bowrah;  
Councillor Hall for Councillor Martin-Scott;  
Councillor James for Councillor Brown;

### 9. Public Question Time

Questions from Mr Pakes – **The redevelopment of Coal Orchard**

I am concerned with the lack of progress on the replacement building on the bath side. Condition 14 stated that 'A contract shall be let for the construction of the replacement building in place of the swimming pool within one month of the demolition completion'. The reason, to ensure no adverse long term impact on the Conservation area. It was now two months since that demolition contract finished. On the 11th December 2018 at the Full Council meeting, Councillor Edwards said that Tenders were due to be opened on the 7<sup>th</sup> of December and the contract was going to be awarded on the 7<sup>th</sup> January 2019. There has obviously been some delay there. Also stated that the construction would be taken in 5 phases. I asked through the Freedom of Information Act what those phases were and what the time scales were. I got the reply back that this information was commercially sensitive and therefore my request for information was refused. I expressed these concerns to Mr Clifford about the conditions not being adhered to and he replied today to say "the delay here was due to archaeological dig requirements which are ongoing and had to be phased in relation to the building being removed and will not be removed until the end of February". So here we are now with a 3 month delay before anything was done on this site. I think that the Council must have known that it needed an archaeological survey and does not take 4 months to organise

one. I cannot see why it was not done immediately after the baths were demolished as there was a clear site so they could have done it 2 months ago. So I want to reiterate my questions. Was the Council in breach of its planning consent by not engaging in a Contract for a replacement building on that bath site and what is the planning authority doing about this? My other concern is having a huge gap in the middle of St James Street in the middle of a very sensitive part of the Conservation area that seems to be languishing now and because I cannot get any information on the phasing what worries me is that this is now going to be used as a contractors yard for the remaining part of the site and that the bath side was going to be left at the end and may not be developed at all. I want to make sure that the planning authority was serious about getting that particular site redeveloped in first phase of the Coal Orchard development.

The reply from Bryn Kitching - Planning Manager

The Council wears two hats here, one as the applicant and one as the Local Planning Authority, I am answering on behalf of the Local Planning Authority in terms of the planning application. Clearly we do have a planning condition which is in breach, we needed to go through our normal procedures in terms of when we have a breach of conditions. It has been raised with us to address it, so we need to address this with the applicant. We have our rules within the Council and we need to pick this up and try to move this on until the breach was resolved. Clearly there were issues with the archeologically things and we need to make sure that we have the archaeological information before any further development goes on site. What I can commit to is to respond to Mr Pakes in writing explaining where we are with that investigation. This would also be shared with the Planning Committee members.

## **10. Declarations of Interest**

Councillors Coles, Mrs Hill, Mrs Reed and Watson declared that they had received correspondence from Gadd properties and a member of the public regarding application No. 38/18/0423. They also declared that they had received correspondence for application No. 06/18/0017. Councillor Watson also declared that he was Ward Councillor for application No. 06/18/0017. Councillor Wedderkopp declared that he was Ward Councillor for application No's 38/18/0427, 38/18/0432. He declared that he had spoken to a member of the public but did not 'fetter his discretion'. Councillor Cavill declared that he knew the applicant for application No. 48/18/0014, he declared that he would leave the room whilst the application was debated.

## **11. Applications for Planning Permission**

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

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

**43/18/0098/LB**

**Conversion with various internal and external alterations into 4 No. town houses at 4 and 5 Cornhill, Wellington**

**Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent:-
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) DrNo P2944/122 Location Plan;
  - (A3) DrNo P2944/120 Demolition Plan ;
  - (A3) DrNo P2944/101 Existing Floor Plans;
  - (A3) DrNo P2944/102 Existing Elevations;
  - (A3) DrNo P2944/114 Proposed Plans;
  - (A1) DrNo P2944/103F Ground Floor Layout;
  - (A1) DrNo P2944/116C Strip Elevations;
- (c) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: external materials/doors; details of air extraction, works for compliance with Part L of the Building Regulations;
- (d) The chimney breasts/fireplaces; wall plaster; lath and plaster ceilings; and ceiling beams should be retained;
- (e) No roof timbers should be altered or removed without the further approval of listed building consent;

**38/18/0427**

**Erection of a two storey extension to the side of 28 Spencer Avenue, Taunton**

**conditions**

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

- (A3) DrNo 2018100 001 Location & Block Plan;
- (A3) DrNo 2018100 003 Floor Plans, Elevations & Site Layout Plan as Proposed;

(Note to applicant:- Applicant was advise that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

### **38/18/0432**

**Erection of 1 No. attached two storey dwelling with associated works in the garden adjacent to 28 Spencer Avenue, Taunton (resubmission of 38/118/0207**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 2017041 001 Location & Block Plan;
  - (A3) DrNo 2017041 003 Rev A Proposed Drawings, Floor Plans, Elevations;
  - (A3) DrNo 2017041 004 Rev A Proposed Site Layout Plan;
  - (A2) DrNo 2017041 005 Rev A Existing & Proposed Street Scene Layouts;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

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

### **48/18/0014**

**Installation of heat pump unit for the central heating on garage roof (retention of works already undertaken) at Glenrose, 89 Greenway , Monkton Heathfield**

### **Reasons**

1. The heat pump and screen are in a prominent position on the roof of the garage and are visible from the public highway and residential properties. The design and appearance of the heat pump and screen are a visual intrusion that harms the character and appearance of the area and street



scene and is contrary to Policy DM1 (d) of the adopted Taunton Deane Core Strategy 2011 – 2028.

2. The heat pump is on a raised platform close to residential dwellings and its operation would result in noise disturbance to the occupants of those dwellings. Without the submission of a noise assessment to demonstrate that any noise could be adequately mitigated, the proposal would result in a noise nuisance that harms the residential amenity of nearby dwellings. As such, the proposal is contrary to Policy DM1 (e) of the adopted Taunton Deane Core Strategy 2011 – 2028.

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

**12. Demolition of buildings and replacement of with rebuild and extension of 3 Cornhill to create 4 No. flats, erection of 34 No. dwellings and conversion of 4-6 Cornhill into 4 No. dwellings with associated access roads, car parking landscaping and associated works on land to the north of Fore Street, Wellington (43/18/0097)**

Reported this application

**Resolved** that subject to a legal agreement to secure appropriate equipment on the nearest play area to the site.

the Assistant Director - Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

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

- (A1) DrNo P2944/100 Existing Site Plan;
- (A1) DrNo P2944/101 Existing Floor Plans;
- (A1) DrNo P2944/102 Existing Elevations;
- (A1) DrNo P2944/103 Proposed Site Plan - Ground Floor;
- (A1) DrNo P2944/104 Proposed Site Plan - First Floor;
- (A1) DrNo P2944/105 Proposed Site Plan - Attic Floor;
- (A1) DrNo P2944/106 Proposed Site Plan - Roof Plan;
- (A2) DrNo P2944/107 Units 1 - 6 : Proposed Plans & Elevations;
- (A2) DrNo P2944/108 Units 7 - 14 : Proposed Plans & Elevations;
- (A2) DrNo P2944/109 Units 15 - 23 : Proposed Plans;

- (A2) DrNo P2944/110 Units 15 - 23 : Proposed Elevations;
- (A2) DrNo P2944/111 Units 24 - 27 : Proposed Plans & Elevations;
- (A2) DrNo P2944/112 Units 28 - 31 : Proposed Plans & Elevations;
- (A2) DrNo P2944/113 Units 32 - 34 : Proposed Plans & Elevations;
- (A2) DrNo P2944/114 Units 35 - 42 : Proposed Plans;
- (A2) DrNo P2944/115 Units 35 - 42 : Proposed Elevations;
- (A2) DrNo P2944/116 Site Sections & Strip Elevations;
- (A1) DrNo P2944/117 Proposed Site Plan : Drainage Strategy;
- (A3) DrNo P2944/118 Bin Store Details;
- (A3) DrNo P2944/119 Cycle Store Details;
- (A3) DrNo P2944/120 Existing Site Plan : Demolition;
- (A4) DrNo P2944/121 Location Plan;
- (A1) DrNo 1305-01 Rev B Landscape Strategy Proposals;
  
- (A1) DrNo 1305-02 Planting Proposals;
- (A1) DrNo 1305-03 Hard Landscape Proposals;
  
- (A1) DrNo P2944/103 Proposed Site Plan - Ground Floor;
- (A1) DrNo P2944/104 Proposed Site Plan - First Floor;
- (A1) DrNo P2944/105 Proposed Site Plan - Attic Floor;
- (A1) DrNo P2944/106 Site Plan – Roof;
- (A2) DrNo P2944/107 Units 1-6 Proposed Plans & Elevations;
- (A2) DrNo P2944/108 Units 7-14 Proposed Plans;
- (A2) DrNo P2944/109 Units 15-23 Proposed Plans;
- (A2) DrNo P2944/110 Units 15-23 Proposed Elevations;
- (A2) DrNo P2944/111 Units 24-27 Proposed Plans & Elevations;
- (A2) DrNo P2944/112 Units 28-31 Proposed Plans & Elevations;
- (A2) DrNo P2944/113 Units 32-34 Proposed Plans & Elevations;
- (A2) DrNo P2944/114 Units 35-42 Proposed Plans;
- (A2) DrNo P2944/115 Units 35-42 Proposed Elevations;
- (A2) DrNo P2944/116 Site Sections & Strip Elevations;
- (A1) DrNo P2944/117 Proposed Site Plan – Drainage;
- (A1) DrNo P2944/120 Existing Site Plan – Demolition;
- (A4) DrNo P2944/121 Location Plan;
- (A2) DrNo P2944/122 Units 7-14 Proposed Elevations;
- (A3) DrNo 1631/06 Existing North Street Car Park;
- (A3) DrNo 1631/07 Proposed North Street Car Park Amendments;
- (A3) DrNo 07 Proposed North Street Car Park Amendments;
- (A3) DrNo 06 Existing North Street Car Park;

(c) No development of the new build dwellings (plots 1-34), excluding demolition of existing structures on site, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other

scheme that may otherwise be agreed in writing by the Local Planning Authority;

- (d) No demolition or alteration to numbers 4 - 5 Cornhill shall be undertaken until the implementation of a programme of building recording and analysis has been submitted to, and agreed in writing with the Local Planning Authority and such work shall be carried out in accordance with the written brief prior to the demolition or alteration of the existing buildings;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ethos ecology's submitted report, dated July 2018 and include:
  - a. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - b. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  - c. Measures for the retention and replacement and enhancement of places of rest for the species;

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

- (f) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times;
- (g) Prior to the occupation of the new build development (plots 1-34) hereby permitted, a residential travel plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved travel plan shall be implemented in accordance with the details agreed within the travel plan;
- (h) The proposed estate roads, footways, footpaths, cycle ways, sewers, drains, vehicle overhang margins, junctions, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The approved details shall be implemented such that each dwelling is served by a properly consolidated surface, at least to base course level, prior to its occupation. The scheme

shall be completed prior to occupation of 90% of the new build dwellings (plots 1-34) hereby permitted;

- (i) No development shall commence unless a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network;
- (j) Prior to first occupation of the development hereby permitted access electric vehicle charging points will need to be available to all dwellings. They shall be in accordance with a detailed scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (k) The works to 4 – 5 Cornhill hereby permitted shall be carried out such that the buildings are capable of occupation prior to the occupation of 50% of the new build dwellings (plots 1-34);
- (l) The applicant shall ensure that all construction vehicles leaving the site are in such a condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to construction commencing, and thereafter maintained until the use of the construction on-site discontinues;
- (m) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, shall be added to the building(s) other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;

**13. Demolition of care home and erection of 9 No. detached 4 bedroomed dwellings with associated access road and car parking at Orchard Court Nursing Home, Harp Chase, Taunton (38/18/0423)**

Reported this application.

**Resolved** that subject to an amended plan to correct the road width and a legal agreement to secure appropriate play equipment.

the Assistant Director - Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

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

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

- (A3) DrNo 2017/11/PL101 Rev E Site Layout;
- (A3) DrNo 2017/11/PL 102 Rev A House Type A;
- (A3) DrNo 2017/11/PL 103 Rev A House Type B;
- (A3) DrNo 2017/11/PL 104 Rev A House Type C;
- (A3) DrNo 2017/11/PL 105 Rev A Type C Plot 1 Elevations;
- (A3) DrNo 2017/11/PL 100 Site Location Plan;
- (A3) DrNo 2017/11/PL 106 Rev B House Type C Plot 3 Elevations;
- (A3) 2017 11 PL107 Rev B House Type D Elevations & Floor Plans;

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

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

(e) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall

be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;

- (f) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Abricon's Phase one habitat survey dated October 2018 and Western ecology's bat emergence survey dated May 2018 and any further survey and include: Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; Details of the timing of works to avoid periods of work when the species could be harmed by disturbance. Measures for the retention and replacement and enhancement of places of rest for the 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 and thereafter the resting places and agreed accesses for nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented;
- (g) The parking space/s in the garages hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use;
- (h) Details of the cycle storage facilities for 4 cycles per dwelling shall be submitted to, and approved in writing prior to the occupation of the dwellings. The cycle storage facilities as approved shall be constructed and fully provided prior to the buildings being occupied, and shall thereafter be retained for those purposes;
- (i) Prior to occupation of the dwellings, works for the disposal of surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter be retained and maintained in that form;
- (j) Details of existing and proposed ground floor levels of the buildings shall be submitted to, and approved in writing by, the Local Planning Authority prior to any floor slab is laid, and floor levels shall be built as agreed;

- (k) 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;
- (l) 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 to applicant:- Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

**14. Erection of 10 No. dwellings with associated landscaping, open space and drainage infrastructure, to the west of the site, at Station Farm, Station Road, Bishops Lydeard (06/18/0017)**

Reported this application.

**Resolved** that subject to appropriate legal agreement to secure two 2-bedroom dwellings as discounted open market dwellings at 75% open market value (in perpetuity) and the provision and maintenance of public open space that includes suitable mitigation measures to provide a safe environment for children's play

the Assistant Director - Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission:-
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- A1) DrNo 4832-LW-05 Rev F Landscape Proposals Soft works Plan;
  - (A1) DrNo 4832-LW-06 Rev C Landscape Proposals Hard works Plan;
  - (A1) DrNo 1127-120-1-S104 Rev G Section 104 Plan 1 of 2;
  - (A1) DrNo 1127-120-1-S104 Rev F Section 104 Plan 2 of 2;
  - (A3) DrNo 8915 PL101 Site Location Plan;
  - (A3) DrNo 8915 PL102 Existing Site Plan;
  - (A3) DrNo 8915 PL103 Proposed Site Plan;
  - (A3) DrNo 8915 PL104 Rev A Proposed Boundaries Plan;
  - (A3) DrNo 8915 PL105 Rev A Proposed Materials Plan;

- (A3) DrNo 8915 PL107 Proposed Heights Plan;
  - (A3) DrNo 8915 PL115 Rev C Proposed Street Elevations;
  - (A2) DrNo 8915 PL120 Housetype NA20 Plans & Elevations;
  - (A2) DrNo 8915 PL121 Housetype NA32 Plans & Elevations;
  - (A2) DrNo 8915 PL122 Housetype NA45 Plans & Elevations;
  - (A2) DrNo 8915 PL123 Housetype NT41 Plans & Elevations;
  - (A2) DrNo 8915 PL124 Housetype NT40 Plans & Elevations;
- (c) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless agreed in writing by the local planning authority;
- (d) The applicant shall undertake all the recommendations made in EAD's letter report dated June 2018. 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;
- (e) No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles, in accordance with the principles of the submitted FRA (Vectos – FRA Scheme 2 – June 2018), 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 QBar runoff rates and volumes. Such works shall be carried out in accordance with the approved details; These details shall include: -  
 Information regarding the implementation and maintenance of drainage systems and pollution control measures during construction of the proposed development; Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution. This should include details of the proposed point of connection to the watercourse. It should be noted that Land Drainage Consent may be required; Surface water drainage calculations to demonstrate that no part of the site will be allowed to flood during any storm up to and including the 1 in 30 event, and flooding during storm events in excess of 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 plan showing flood water exceedance routes both on and off site; 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;



- (f) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever;
- (g) (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;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

(The meeting ended at 9:50 pm)



## Planning Committee – 26 February 2019

Present: - Councillor Mrs Hill (Vice-Chairman)  
Councillors J Adkins, M Adkins, Cavill, Coles, Hall, Horsley, Morrell,  
Mrs J Reed and Townsend

Officers: - Bryn Kitching (Planning Manager), Gareth Clifford (Planning Officer),  
Alex Lawrey (Agency Planner), Martin Evans (Solicitor, Shape  
Partnership Services) and Tracey Meadows (Democracy and  
Governance Case Manager)

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

(The meeting commenced at 6.15 pm)

### 15. Apologies/Substitutions

Apologies: Councillors Bowrah, Gage, Nicholls and Wedderkopp;

Substitution: Councillor Cavill for Councillor Bowrah;  
Councillor Horsley for Councillor Wedderkopp;

### 16. Minutes

The minutes of the meeting of the Planning Committee held on 5 December 2018 and 16 January 2019 were taken and read and were signed.

### 17. Declarations of Interest

Councillor Cavill declared an interest on applicant for application No. 48/18/0055, he declared that he would leave the room whilst the application was debated and voted on.

### 18. Applications for Planning Permission

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

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

**Outline Planning Permission with all matters reserved, except for access and layout, for the erection of 2 No. dwellings on land at Tor House, 48 Ford Road, Wiveliscombe (49/18/0074)**

Reported this application.

**Resolved** that the Assistant Director – Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if outline planning permission was granted, the following conditions be imposed:-

- (a) Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced; Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012; Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected; It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
- (c) Prior to commencement of works for the creation of the access within the canopy spread of the existing Holm Oak and Monkey Puzzle trees all excavating works shall be agreed with the Local Planning Authority. All excavation works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill any excavated areas and compacted without using machinery;
- (d) Details of the relative heights of the existing and proposed ground levels and the height of the ground floor of the proposed dwellings shall be submitted as part of the reserved matters application, as required by Condition 1 and the development shall be carried out wholly in accordance with the approved plans;
- (e) No works shall be undertaken on site, other than those required by this condition, unless the access to the site has been provided in accordance with the approved plans. The access shall thereafter be retained in the approved form;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a

positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

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

**43/18/0122**

**Formation of vehicular and pedestrian access with erection of security fencing, gates and barriers a Station Mills, Station Road, Wellington**

**Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent:-
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- A1) DrNo P01 Site Location Plan;
  - (A1) DrNo P04 Proposed Sub-Station Building Details;
  - (A2) DrNo P06 Existing Site Plan;
  - (A2) DrNo P08 Shelter Details;
  - (A1) Long Section;
  - (A3) DrNo P07 Rev A Proposed Site Tracking;
  - (A1) DrNo P05 Rev B Proposed New Entrance;
  - (A2) DrNo P03 Rev A External Surfaces Plan;
  - (A2) DrNo P02 Rev A Proposed Site Plan;
- (c) There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times;
- (d) The proposed access shall incorporate pedestrian visibility splays on both its sides appropriate for the speed of approaching traffic and these shall be submitted to, and agreed in writing the Local Planning Authority. Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times;
- (e) Prior to the access hereby permitted being first brought into use the proposed access over at least the first 12 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

**48/18/0055**

**Erection of 4 No. detached dwelling with associated works on land to the south of the Coach House, Sidbrook, West Monkton**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 41113/1 Existing Site Plan;
  - (A3) DrNo 41113/19 Proposed Site Plan;
  - (A3) Location Plan;
  - (A3) DrNo 41113/28 Plots 1 & 2 Ground Floor Plan;
  - (A3) DrNo 41113/29 Plots 1 & 2 First Floor Plan;
  - (A3) DrNo 41113/30 Plots 1 & 2 North and West Elevations;
  - (A3) DrNo 41113/31 Plots 1 & 2 South and East Elevations;
  - (A3) DrNo 41113/24 Plot 3 Ground Floor Plan;
  - (A3) DrNo 41113/25 Plot 3 First Floor Plan;
  - (A3) DrNo 41113/26 Plot 3 South and East Elevations;
  - (A3) DrNo 41113/27 Plot 3 North and West Elevations;
  - (A3) DrNo 41113/20 Plot 4 Ground Floor Plan;
  - (A3) DrNo 41113/21 Plot 4 First Floor Plan;
  - (A3) DrNo 41113/22 Plot 4 South and East Elevations;
  - (A3) DrNo 41113/23 Plot 4 North and West Elevations;
  - (A2) DrNo 3064.001 Tree Survey and Constraints Plan;
- (c) Prior to the wall construction of the dwellings, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (d) 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 prior to the occupation of the dwellings. Such provision shall be installed prior to any occupation of the development hereby permitted and thereafter maintained at all times;

- (e) Prior to construction, a 'lighting design for bats' shall be submitted to, and approved in writing by, the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent in writing from the local planning authority;
- (f) The applicant shall undertake all the recommendations made in Crossman Associate's ecological appraisal dated January 2014 and Halpin Robbins's ecological dated October 2018 and provide mitigation for birds as recommended. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (g) Prior to occupation of the buildings, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter be retained and maintained in that form;
- (h) Prior to the dwellings being occupied visibility splays shall be provided in accordance with details which shall have been submitted to, and approved in writing by, the local planning authority. There shall be no obstruction to visibility greater than 900 mm above the adjoining carriageway level within the visibility splays approved by this condition. The visibility splays shall thereafter be maintained in the approved form;
- (i) The parking space/s in the garage(s) hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use;
- (j) (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;

- (k) The development shall provide for bin storage facilities, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (l) The development shall provide for covered and secure cycle storage facilities, details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (m) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (n) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012; Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;

(Note to applicant:- Applicant was advise that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

## **19. Appeals**

Reported that one appeal decision and six appeals had been received details of which were submitted.

(The meeting ended at 8:00 pm)



09/18/0012

MR B & MISS S STAMP & LAGHOS

**Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/ horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken)**

Location: WOODLAND WAY FARM, RADDINGTON, TAUNTON, TA4 2QR

Grid Reference: 302518.126168 Retention of Building/Works etc.

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## Report Update

Members first considered this application for “Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/ horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken)” on 16<sup>th</sup> January 2019

At the planning committee, members deferred a decision to allow the submission of an application for the rural workers accommodation so that both applications could be considered together. No date was set for both applications to be reported back as that would depend on the time required to consider any subsequent application for the rural workers accommodation.

The committee also resolved that if no application for the rural workers accommodation was submitted by 15<sup>th</sup> February then the application for the change of use of the agricultural building should be reported back to the committee on 26<sup>th</sup> February.

Members were advised at the planning committee that by deferring the application, that the applicant could appeal against non-determination and take the decision away from the Council. An appeal against non-determination was submitted to the Planning Inspectorate (PINS) on 11<sup>th</sup> February which means that the decision will be made by an Inspector rather than the Council.

Officers are awaiting for a Start Date for the appeal from PINS and once this is received, it will include a timetable for determination. On receipt, the Council will write to everyone involved in the application advising them of the timetable and relevant dates for the submission of representations.

As this is an appeal against non determination rather than refusal, officers need to know how committee would have determined the application had it not been appealed. If members would have approved the application, officers will write to PINS and invite the inspector to allow the appeal with any appropriate conditions. If members would have refused the application, they would need to give clear reasons for doing so and officers would make the case that the appeal should be dismissed

for the reasons given by the planning committee. Appeals against non-determination include the test of reasonableness and, like an appeal against the refusal of permission, costs can be awarded against either party if the Inspector consider that they have not acted reasonably.

Officers recommended that permission be granted for the change of use of the building and formation of the circular collecting yard/ horse training area and the report is attached. That recommendation remains and the officer advice to the planning committee is that permission should be granted with planning conditions.

The application for the rural workers dwelling has also been received and is going through the consultation and consideration process. Depending on the responses received and officer recommendation, that application may need to be reported to the planning committee at a later date.

There have been further representations received (some commenting on both applications):

One letter of support stating that the community should support young families and that there should be more 'horses and less guns' in the vicinity

Three letters of objection have been received which raise the following issues:

- impact of development on the listed church,
- impact on the unspoilt valley,
- welfare concerns about the horses and having sufficient land for grazing, and
- questioning the viability of the business noting that the Companies House information gives the company operational from November 2016 but having filed 'dormant' accounts for the first year up to November 2017, this contradicting the report produced by Staggs which states in the introduction that the business has been running for three years

Councillor Gaines offered a letter of objection citing impacts on the valley and setting of the listed church, traffic issues from the use of horse-boxes and HGVs, questioning if sufficient land was available for exercising the horses, and the fact that the application is retrospective following on from enforcement action by the LPA

## **Recommendation**

That officers write to the Planning inspectorate and invite the inspector to allow the appeal with conditions set out in the recommendation to committee on 16<sup>th</sup> January 2019.

**Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/ horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken)**

Location: WOODLAND WAY FARM, RADDINGTON, TAUNTON, TA4 2QR

Grid Reference: 302518.126168

Retention of Building/Works etc.

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## **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) Site Location Plan  
(A4) Block Site Plan  
(A4) New Barn Floor Plans as Proposed  
(A4) New Barn Floor Plans as Existing  
(A4) Collecting Ring/ Horse Training Arena Elevation & Floor Plan

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

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

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

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

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

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

4. Details of the means for the disposal of sewage and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

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

5. There shall be no exterior lighting installed on the site without the prior submission of a planning application.

Reason: To protect the amenity and character of the area.

Notes to Applicant

## **Proposal**

Change of use of agricultural building to mixed use agricultural and equestrian, with formation of a circular collecting yard/horse training arena (retrospective)

## **Site Description**

The site is a former agricultural building located in the hamlet of Raddington.

## **Relevant Planning History**

09/13/0022 - ERECTION OF AN AGRICULTURAL BARN FOR HOUSING OF LIVESTOCK AND STORAGE OF MACHINERY AT KINGSTON MILL, RADDINGTON - CA 20/12/13

## **Consultation Responses**

*CHIPSTABLE PARISH COUNCIL* - Objects to the proposal. We are being asked to comment on ancillary buildings, when/before we are asked to comment on the

dwelling already on site. We should be asked to look at the development of this site as a whole not piecemeal. It is unclear if an application for the dwelling has been submitted to Taunton Deane at this time

*PLANNING ENFORCEMENT* - This application has been submitted in an attempt to regularise the current unauthorised situation which is the result of an Enforcement Investigation

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing advice

*LANDSCAPE* - The site currently looks very raw and untidy within the landscape. It would benefit from some landscaping

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* -

*HISTORIC ENGLAND* - The grade I listed Church of St Michael is located on a spur that projects into a linear valley running east to west of the protrusion. It holds a primacy within the locality due to its elevated position, which reinforces its role as a spiritual landmark within the valley setting. The church was built to serve the local rural farmsteads that dot the valley in small clusters of buildings and that retain clear inter-visibility with the church.

Consequently, this relationship is clearly experienced in views from the church and along the existing route-ways, which helps to articulate the function and role of the church within its landscape to its surrounding settlements.

The proposals relates to a site at the base of the valley to the east. The proposal is a retrospective application for a change of use from agricultural general purpose building to agricultural and equine usages and the retention of a circular horse training compound. The site sits adjacent to a small cottage and a farm cluster, characterised by a tight grain and modest scale, which reflects the historic character of development within the valley.

The development on this site includes the proposed barn (seeking permission for change of use), the horse pen (retrospective) as well as a number of other structures. It has a more linear pattern of development that has begun to encroach along the base of the valley. These views along the valley are prominent in key views from the churchyard and also on the approach to the church across the field from the north. The contrast in the form of development between the application site and the existing has made the development a conspicuous feature within the church's setting.

Consequently, the development has started to erode the strong settlement pattern experienced within the valley and their relationships to the church.

The NPPF identified that in determining applications, the local planning authority should take account of the desirability of new development making a positive contribution to local character and distinctiveness (Para 192). In cases were

development affects the setting of the asset, the LPA should look for opportunities for the new development to enhance or better reveal the asset's significance (Para 200).

This application proposes an intensification of use on the site, which through the incremental changes being set out is resulting in a change of character within this aspect of the church's setting. The horse ring is a modest development but it further emphasises the linear nature of the site and creates further encroachment into the valley through the loose grain of the development. The council need to be satisfied that the impact of the scheme has been clear and convincingly justified (194, NPPF) and should seek to take steps to avoid or minimise the impact when it is identified as conflicting with the conservation of the heritage asset (190, NPPF). Any harmful impact needs to be considered within the wider planning balance and be outweighed by the public benefits offered by the scheme (196, NPPF).

### Recommendation

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

## Representations Received

Approximately 25 letters of representation received objecting to the proposal due to landscape impacts, setting of listed building, light pollution, flooding and drainage. highways concerns, the applicants gaining retrospective permission and impacts on biodiversity.

Approximately 4 letters of support have been received noting how young couples should be encouraged to live in Raddington, the business is good for area and there are no substantial landscape impacts.

## 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.

## **Local finance considerations**

None

## **Determining issues and considerations**

### **Principle of Development**

The proposed development is for a change of use of a former agricultural building to a mixed agriculture and equestrian. The site is in an open countryside location set into the valley encompassing the hamlet of Raddington. Policy DM1a stipulates that developments should make the most effective use of land with a preference for previously developed land, and DM1d requires that the appearance and character of a landscape will not be adversely impacted by proposed developments. Policy CP8 requires that developments conserve and enhance the natural and historic environment. Therefore for the proposal to be acceptable in principle it should make good use of land and extant developments and should not significantly harm landscape and designated heritage assets, and if minor harm is being caused then appropriate mitigation should be put in place to lessen any detrimental effects of proposals. The site is within a valley and the training arena is located close to the road. At the top of the valley there is a grade I listed church. There are residential properties next to the site.

### **Proposed change of use**

The main issue in regards to this application is for a change of use to allow for equestrian uses of an extant agricultural barn. The site is currently operated as a horse training facility and the proposal would allow for use of the barn for the keeping of horses. Given that such facilities require access to considerable land parcels for grazing and exercising of horses it is considered appropriate to permit the proposed use subject to other considerations given below. The location is rural and equestrian developments are largely located in pastoral landscapes due to the needs stated above. The agricultural element of the proposed use is for the keeping of a small flock of sheep. Whilst currently there are no agricultural animals at the site the proposed part agricultural use is acceptable and is a continuation of the current consented use of the building. Therefore the principle of a mixed use for the building is accepted.

### **Design**

The proposed change of use of the barn would have very limited design impacts as most of the changes would be internal. The only external changes are the installation of a toilet to the rear of the barn which is hidden from public receptors

because of its position. The proposed works to the barn include the internal installation of stalls for horses. The proposed works to the barn are considered to be acceptable and are in conformity with policy requirements.

The proposed training arena is circular and has kick boards and close board fencing to the lower part with post and rail above forming the boundary. The design is acceptable subject to an assessment of landscape and heritage impacts

### **Landscape**

The site is in a sensitive location as it impacts on both the setting of the church (see below) and the overall character of the area. Whilst the training arena is unduly prominent at present it is acknowledged that road-side plantings have not yet matured and further plantings would act to screen the development from main public receptors. Therefore subject to a detailed and appropriate landscaping scheme it is considered that the proposed works are not sufficiently harmful to the landscape to warrant grounds to refuse the application.

### **Heritage**

The grade I listed church of St Michael is located close to the site and the proposals have an impact upon its setting. Historic England have commented that steps should be taken to avoid or minimise impacts on the setting of this designated heritage asset but have not directly objected to the application. It is considered that the planning benefits of a proposal to develop an equestrian business at the site outweigh the harm to the setting of the heritage asset and any harm can be successfully mitigated through appropriate landscaping and protection of land in the same ownership from further equestrian development through conditions attached to any permission granted.

### **Biodiversity**

There are not considered to be any abiding ecology concerns related to the proposed development. However given its rural setting and the potential for light pollution it is considered appropriate to restrict the use of exterior lighting to preserve dark skies and stop impacts on protected species such as bats. This would be set by condition attached to any permission granted.

### **Amenity and impacts on neighbours**

There is a residential property adjacent to the site to the north-west, however due to the topography and existing boundary treatments there are not considered to be any significant concerns related to residential amenity.

### **Highways and parking**

The site has a pre-existing highways access and parking potential for at least ten cars. The Highway Authority has not objected to the application. It is considered that



the proposed use of the site would not significantly increase vehicular movements over and above that of its current lawful agricultural use and, as such, there are no highways grounds to refuse the application.

### **Drainage**

The proposed works include the provision of a toilet block attached to the rear of the existing barn and installation of a digester. However no detailed plans have been supplied in terms of discharge and disposal of surface water and it is considered appropriate to set a condition requiring drainage and surface water details.

### **Other matters**

There is a log cabin style dwelling currently occupying land within the site. This is a separate issue to the current application and is part of an enforcement case with the LPA and as such is not a material consideration in terms of the current application.

Several (approx. 25 - number to be updated at committee) letters of representation have been received objecting to the proposal due to landscape impacts, impacts on the setting of the church, highways concerns, flooding and drainage issues, and impacts on amenity. There have also been some letters of support noting that the LPA should support a young couple developing a business in the area and arguing that landscape and heritage impacts are minimal.

### **Conclusion**

The proposed development is considered to be in compliance with policy DM1(a)(d) and DM2 and is recommended for approval. Whilst it is acknowledged that there are harmful aspects to landscape impacts and impacts on the setting of the listed church, however these are not considered to be severe and subject to appropriate conditions could be mitigated with an appropriate landscape scheme.

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

**Contact Officer: Mr Alex Lawrey**



38/18/0291

MCCARTHY AND STONE RETIREMENT LIFESTYLES LT

**Demolition of buildings and erection of 62 No. units of extra care accommodation (Retirement Living Plus) including communal facilities, landscaping, car parking and circulation with vehicular access via South Street at Trinity Business Park and 80 South Street, Taunton**

Location: TRINITY BUSINESS PARK, SOUTH STREET, TAUNTON

Grid Reference: 323482.124241

Full Planning Permission

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## 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:

- (A1) DrNo SW-060040-03-CE-002 Rev P03 Site Levels Layout
- (A1) DrNo SW-060040-03-CE-001 Rev P02 Drainage Layout
- (A1) DrNo SW-2519-03-LA-003 Rev C Planting Plan
- (A1) DrNo SW-2519-03-LA-002 Rev C General Arrangement Plan
- (A1) DrNo SW-2519-03-LA-001 Rev C Landscape Graphic Plan
- (A3) DrNo 2519-03-AC-001 Rev A Location Plan
- (A1) DrNo 05110-TrinityBC-TCP-2018 Tree Constraints Plan
- (A1) DrNo 05110-TrinityBC-LIP.AIA-2018 Layout Impact Plan
- (A1) DrNo SW-2519-03-AC-030 Rev D Proposed Second Floor Plan
- (A1) DrNo SW-2519-03-AC-029 Rev D Proposed First Floor Plan
- (A1) DrNo SW-2519-03-AC-028 Rev D Proposed Ground Floor Plan
- (A1) DrNo SW-2519-03-AC-026 Rev G Proposed Site Layout
- (A1) DrNo SW-2519-03-AC-027 Rev F Site Layout(Roof Level)
- (A3) DrNo SW-2519-03-AC-002 Existing Site Layout
- (A3) DrNo 2519-03-AC-001 Rev A Location Plan
- (A2) DrNo SW-2519-03-AC-041 Rev B Indicative Perspective View
- (A2) DrNo SW-2519-03-AC-040 Rev B Indicative Perspective View

(A1) DrNo SW-2519-03-AC-039 Proposed Cross Sections  
(A2) DrNo SW-2519-03-AC-038 Rev D Proposed Elevations  
(A2) DrNo SW-2519-03-AC-037 Rev E Proposed Elevations  
(A1) DrNo SW-2519-03-AC-034 Rev D Proposed Roof Plan  
(A2) DrNo SW-2519-03-AC-042 Rev B Indicative Perspective View  
(A) DrNo 2519-03-AC-026 Rev G Proposed Site Layout  
(A1) DrNo 2519-03-AC-027 Rev F Proposed Site Layout (Roof Level)

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

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

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

4. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.  
  
(ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

5. The applicant shall undertake all the recommendations made in EAD's Ecological Impact assessment report dated July 2018 and shall also include provision of pairs of swift nesting bricks, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

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.

Reason: To protect wildlife.

6. No development (other than that required by this condition and demolition) shall be undertaken on site unless a programme of archaeological work, including excavations, has been implemented in accordance with a written scheme of investigation which has been first submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme.

Reason: To ensure the preservation of archaeological remains.

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

7. 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 first floor windows to be installed in the living rooms of units 30 and 31 in the north east elevation shall be obscured glazed and non-opening. The type of obscure glazing 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.

8. Details of a screen to a height of 1.8m to the side of balconies serving units 21, 44, 30 and 31 shall be submitted to and approved in writing by the Local Planning Authority and shall be installed prior to occupation and thereafter retained.

Reason: In the interests of the amenity of the local residents.

9. The premises shall be used for a Class C2 Use for the provision of extra care accommodation and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To prevent changes to unacceptable uses.

10. The extra care accommodation hereby permitted (excluding staff and guest accommodation) shall only be occupied by persons aged 60 years or older, with the exception of persons of a minimum of 55 years old who are a spouse or partner of an occupant 60 years old or above, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure care provision to those in identified need.

11. A Measures Only Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved.

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

12. Unless otherwise agreed by the Local Planning Authority, construction of the new buildings and services on site must not commence until conditions a) and b) below have been complied with and condition (c) complied with other than remedial works that are part of the construction of the site. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

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

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

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

b) Submission of Remediation Scheme

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

Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

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

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

f) Long Term Monitoring and Maintenance

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

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

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the

development, in accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

13. Prior to commencement of the new building, works for the disposal of surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, including future maintenance and the rate of discharge from the site. The works shall thereafter be retained and maintained in that form.

Reason: To prevent flood risk and ensure the adequate provision of drainage infrastructure.

#### Notes to Applicant

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

## Proposal

The proposal is the removal of the old buildings on the existing business site and replacement with a two and three storey building in brick and render providing a 62 unit extra care provision for the elderly, together with improved access and parking. As part of the access improvements a modern two storey brick and rendered property on the main road frontage would be removed. Parking and landscaping in the grounds are provided as part of the scheme.

## Site Description

The site lies off the western side of South Street and consists of a number of single and two storey structures in brick and blockwork as well as an old nissan hut in close proximity to the site boundaries. There is parking in a central area and the access from South Street also serves a terrace of dwellings in Savery Row. The site is surrounded by a 2m high fence where there is no walling. A playing field lies to the south and west, otherwise there are residential properties and gardens on the other three sides.

## Relevant Planning History

None

## Consultation Responses



*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposal site lies off the classified South Street in Taunton. The proposed access point is to be off an existing access (with proposed amendments) which, to our understanding currently serves a number of uses, including light industrial, storage, business and office units with associated parking.

### **Transport Statement**

A Transport Statement (TS) was submitted in support of this application which has since been assessed. Consideration has also been taken of the existing vehicle activity associated with the sites current use. It is the view of the Highway Authority that the proposed development is unlikely to generate a material increase in vehicle movements where the cumulative impact is considered severe.

### **Access**

It is our understanding that the internal layout will remain private.

The applicant has proposed to widen the existing access and provide a carriageway width of 4.8m to allow two way vehicle flow. The Highway Authority recommends that the access width to be widened to 5m as a minimum in this instance, which will also help alleviate concerns of vehicles running closer to the kerb and any vehicle conflict with pedestrians.

No dimensions have been provided for the entry and exit radii at the junction of the realigned access. Where there is no provision made for large goods vehicles, it is recommended that the minimum circular corner radius at simple junctions should be 6m in an urban area subject to a swept path analysis.

Swept path drawings of an 11.6m refuse vehicle have been provided but at a scale of 1:500 making it difficult to determine whether there are any conflicts. Due to the proposed horizontal curvature of the revised access road it would appear that the design vehicle will overrun the kerb on the inside radius. It is recommended that the reverse curve is eliminated altogether to minimise the potential for kerb overrun by large goods vehicles and smaller vehicles attempting to pass one another at this location.

It is also noted that while swept paths have been carried out on small private light vehicles at the junction with South Road, these paths do not continue around the curves and in to the development. Swept path drawings should be provided (11.6m refuse vehicle) at a scale of 1:200 showing vehicles travelling all the way along the access road from South Road to the proposed new development.

It is advised that the applicant contact the local refuse company to discuss the viability of refuse collection for the proposed development, given that the site is to remain private.

The applicant has proposed that a 2m footway will be provided to the north western side of the revised access road. This is the minimum recommended width in the DfT's Inclusive Mobility. The proposed width of the footway would be acceptable to the Highway Authority.

However, it is also noted from drawing no Drawing No SW-2519-03-AC-026-E (Proposed Site Layout) that the proposed footway to the southern side of the access road leading from the pedestrian gate (upon exiting the site onto the access road) then ends abruptly behind No.92 South Road. This may result in mobility impaired pedestrians struggling to negotiate the access road and result in more vulnerable road users walking in the carriageway.

The proposed access road should be revised and considered to be moved further north west for a distance to provide a continuous 2m footway provided that runs adjacent to No.92 South Road and tie in to the existing highway infrastructure. A suitable footway could then be provided on either side of the access road. The reverse curve should be eliminated to ease the access for larger vehicles and two way flows for smaller vehicles.

A suitable uncontrolled crossing incorporating tactile paving areas should also be provided across the bellmouth of the junction of the access road with South Road. Proposed visibility splays should also be provided should the access be realigned/relocated.

It is not immediately clear from the information provided how the junction will be designed between the existing service road and the development access road. Drawing No SW-2519-03-AC-026-E (Proposed Site Layout) appears to show a footway running across the front of the service road yet Drawing No SW-2519-03-LA-002 (General Arrangement Plan) appears to show a pedestrian crossing arrangement.

In order to ensure that pedestrians have right of way over vehicular traffic the revised entrance to the access road should be designed as a vehicle crossover. Any footway proposed should be grade separated from the development access road with HB2 kerbs and a 125mm upstand dropped to 25mm where vehicles are required to cross the footway and continue in to the service road.

It is advised that the applicant re consider the current position of the telegraph pole site at the northern side of the bellmouth onto South Street. No details have been provided at this stage to clarify what is to happen with the existing wooden telegraph pole and overhead power lines. The designer of these highway infrastructure proposals should confirm what is to happen with the existing wooden telegraph pole and overhead power lines.

There are no existing road markings in place at the junction to clarify respective traffic priority movements between the access road with South Street. It is recommended that give-way road markings are introduced at the junction.

Carriageway cross section drawings for each chainage across the frontage of the site would need to be submitted to show appropriate features such as channel line levels, tops of kerbs, centre line of the carriageway etc. whilst encompassing the full width of the adopted highway.

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

to pull out safely. Any additional drawings necessary would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards.

## **Drainage**

The following observations relate to both the interface of the proposed development with the existing public highway and the proposed widened access road.

There are currently no measures in place on the private access road to prevent the discharge of surface water from the site out onto South Street. With the access road now being widened, which increases the impermeable catchment area, the Highway Authority asks that measures are now introduced to intercept surface water run-off.

On the presumption that the access and internal roads/parking areas will remain private, there is no objection to the surface water management strategy proposed for this development.

## **Parking**

The applicant has proposed 41 parking spaces to accommodate local residents and associated employees to the proposed development. This would appear to be noticeably above the optimum standard in the Somerset Parking Strategy (SPS). Whilst this may not be a reason to recommend refusal in this instance, the applicant should justify the need for the vehicle parking spaces proposed. Given the proximity of the site and the nature of the application, the applicant may wish to reconsider the parking figure that may allow more convenient parking and turning for all vehicles associated with the site.

The applicant has proposed 4 cycle parking spaces. This is noticeably below the SPS standard in this instance (14 spaces). It is advised that the applicant provided suitable cycle parking in line with the SPS. Cycle parking should be safe, secure, sheltered and easily accessible. Whilst the proposal falls below the threshold for the requirements for electric car charging points, the Highway Authority would welcome a designated area to accommodate this.

## **Travel Plan**

No suitable Travel Plan has been submitted in support of the proposed development.

For clarity, in this instance a Measures Only Travel Plan would be required, to include a fee (but not limited to) of £700 plus VAT to be paid in full to the Highway Authority prior to commencement of the development. It is also recommended that the provision of the Travel Plan be secured by an agreement under Section 106 of the Town and Country Planning Act 1990, which should include the relevant Travel Plan fee.

## **Conclusions**

With the above in mind the Highway Authority are not in a position to make a final recommendation until further information has been provided regarding the points

raised above. The Highway Authority therefore requests that the applicant be asked to:

- Revisit the current vehicular and pedestrian access arrangement.
- Submit a suitable Travel Plan (secured via s106).
- Resubmit suitable swept path analysis (1:200 scale advised).
- Clarify the need for parking numbers and policy compliance.

**BIODIVERSITY** - The application is for the demolition of buildings and erection of 62 units of extra care accommodation at Trinity Business Park, South Street, Taunton.

Ead carried out an Ecological Impact assessment of the site dated July 2018.

The site is dominated by hardstanding and buildings. A small area of ephemeral /short perennial was recorded in the north of the site, along with a small area of scattered scrub. A recently planted species poor hedgerow was recorded on part of the western boundary

Findings of the report were as follows

**Birds** - The survey area provided suitable nesting habitat for urban dwelling bird species. An active herring gull nest was recorded on the roof of one of the buildings. Demolition of building and hedgerow clearance should take place outside the bird nesting season.

**Bats** - There are four records of bats in the area.

Bat activity recorded comprised of low use of the site by pipistrelle bats.

All buildings on site were assessed as having low or negligible potential to support bats. No bats were recorded using any of the buildings during the emergence surveys

**Badgers** - No evidence of badgers was found on site.

I agree that there will be a biodiversity gain with this development

**Condition for protected species:**

The applicant shall undertake all the recommendations made in EAD's Ecological Impact assessment report dated July 2018.

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.

**Reason:** to protect wildlife

## Informative Note

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

*SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY* - Taunton's local brick industry had a long history of association with this area and only a quarter of a mile from this site is a brick-fronted 17th century building of significance known as Grays Almshouses. 19th and 20th century trade directories list builders and brickmakers here and attached is an appendix providing source material for these details.

With respect to this application SIAS would favour monitoring and some investigative work by an archaeological unit in the south-east part of the development. SIAS feels that the Heritage Statement has been very weak in analysing the sub-surface potential of this area which could include the footings of a brick kiln. There may also be evidence for the later purposes of the site which related to the military and refuse disposal. The Society's stance on this application is therefore one of *conditional approval*.

*HERITAGE* - No comment.

*WESSEX WATER* - No comment.

*LEAD LOCAL FLOOD AUTHORITY* - The drainage layout submitted with the application shows the general arrangement for the proposed attenuation storage and piped network. The planning statement makes reference to flood risk and drainage but provides scant details in this regard. There is no drainage statement accompanying.

Prior to recommending approval, the applicant should confirm the proposed rate of discharge from the site as this is identified as TBC on the drainage layout, and that this has been agreed with Wessex Water. It is assumed that the cellular storage will remain under private ownership? As I have not reviewed the site investigation report in detail, it is assumed that there are no contaminated land issues that might impact upon the surface water drainage proposals? This again should be bottomed out if not known.

If you are confident that the above matters have or can be resolved, then the Ifa would be happy to secure the remainder of the drainage detail via condition.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - The area of the development is a former brickworks, landfill site and has had other commercial uses. Therefore, there is the potential for contamination to be present.

The applicant has submitted a report with the application.

- Site Investigation, Contaminated Land and Geotechnical Report. ACS  
27/7/18

The report refers to a Desk Study Report by ACS in January 2018, however, this was not submitted with the application.

The Site Investigation Report includes a summary of the Desk Study giving details of the site history and setting. It noted that the area was brick works, with the clay pit being in-filled and the area redeveloped into a builders yard. The site is now used by a number of businesses, including garages and there are fuel tanks on site. The desk study concluded that there are potential sources of contamination and recommended an intrusive site investigation and risk assessment.

The Site Investigation Report provides details of an intrusive investigation with soil samples taken from locations across the site, including close to the fuel tanks. Pipes have been installed in six locations to allow ground gas and ground water monitoring to be carried out.

The investigation found that the site was underlain by made ground, up to 4.4m below ground level. Petroleum hydrocarbon odours were noted in a number of sampling locations. Soil samples were analysed and a risk assessment carried out using site specific assessment criteria. This found elevated concentrations of some substances, in excess of the criteria used. The initial ground gas monitoring found elevated levels of carbon dioxide, and ground water monitoring revealed concentrations of substances above assessment criteria including petroleum hydrocarbons.

There were some restrictions on access and the report recommended further intrusive works under the footprint of the existing buildings once they have been demolished. It is also recommend that further ground gas and ground water monitoring is carried out using the installed sampling pipes. The report makes some recommendations to mitigate the potential risks from contamination, for example, installing a clean cover system in areas of soft landscaping and installing a gas protection system. However, it has not made detailed proposals as further investigations, sampling and assessment is required.

### **Comment.**

The Site Investigation Report is thorough and provides a good insight into the problems that are likely to be found on the site. It gives recommendations for further assessment and possible works needed to deal with the contamination.

A planning condition is often used to ensure that an acceptable report is provided and that the required remedial works are carried out (see example condition below). In this case the developer has provided information which would go towards meeting the first part of the report (a) Site Characterisation). However, some more investigation work will be needed after the existing buildings have been demolished, and the ground gas and ground water monitoring should be carried out over a period of time to obtain sufficient information. Therefore, if the condition is applied part a) should still be used.

The applicant will need to submit the Desk Study referred to in the Site Investigation

Report.

I also note that some of this work will have to be carried out once development has started on site (demolition of buildings). Also, it is likely that some of the proposed remedial works will need to be carried out as part of the construction work (gas protection measures and soft landscaping). Therefore, the wording of the condition could be amended.

The applicant should submit the Desk Study referred to in the Site Investigation Report.

The developer should be aware that under the National Planning Policy Framework, where a site is affected by contamination responsibility for securing a safe development rest with the developer and/or landowner. If any unexpected contamination is found during site works the developer should assess any potential risks and carry out any appropriate remedial work. Compliance with the planning condition does not rule out future action under Part 2A of the Environmental Protection Act 1990, for example, if additional information is found concerning the condition or history of the site.

*POLICE ARCHITECTURAL LIAISON OFFICER - No objection*

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

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

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

#### **Comments:-**

1. Crime Statistics – reported crime for the area of this proposed development during the period 01/09/2017-31/08/2018 (within 200 metre radius of the grid reference) is as follows:-

- Arson & Criminal Damage – 15 Offences (incl. 1 arson endangering life & 7 criminal damage to vehicles)
- Burglary – 11 Offences (comprising 10 residential burglaries and 1 business/community burglary)
- Miscellaneous Crimes Against Society - 3
- Public Order Offences – 23
- Robbery – 2 (both personal property)
- Sexual Offences - 4
- Theft – 10 Offences (incl. 3 theft of pedal cycles)
- Vehicle Offences – 4 (comprising 2 theft of motor vehicles & 2 theft from motor vehicles)
- Violence Against the Person – 53 Offences (incl. 2 assault police, 9 assault ABH & 21 common assault and battery)

- **Total** – 125 Offences

This averages just over 10 offences per month, which is classed as *'average'* reported crime levels. ASB reports for the same area and period total, which is also a level.

2. Design & Access Statement – the DAS, at Section 4.5, includes a paragraph headed **'Social Needs & Crime Prevention'** but no mention is made of any crime prevention measures incorporated in the design. However, the Planning Statement at Section 5.24 also includes a paragraph headed **'Community Safety & Crime Prevention'**, which states that measures include – an internal refuse store, secure boundaries & gates, camera controlled entry system linked to resident's TV, natural surveillance around the building and 24(7) staff presence. This indicates to me that the applicant has taken some account of crime prevention measures in the design of this development. I comment further on these and other factors below:-

3. Vehicular/Pedestrian Access – the single vehicular/pedestrian entrance/exit from South Street is advantageous over several access points in that this helps restrict access by unauthorised persons and improves surveillance of the entrance area.

4. Building Layout & Natural Surveillance – optimum natural surveillance should be incorporated whereby staff, residents and visitors can see and be seen. This should include unobstructed views from the development of all external spaces including, footpaths, roadway, landscaping and internal communal areas and any recesses, blind corners or potential hiding places should be eliminated. Judging from the Site Layout Plan, this appears to have been incorporated into the design of the building which is essentially 'L' shaped with no deep recessed areas and good sight lines around it. I recommend that access to the north/western elevation of the building from the front be restricted by means of fencing or hedging from the front building line to the railings/hedge adjacent to the neighbouring playing field. Similarly, unauthorised access to the north/eastern elevation and rear of the building would be deterred by gating the footpath from the front to the eastern/rear secondary entrance.

5. Climbing Aids – the building incorporates balconies and flat roofs, so any potential climbing aids should be avoided or designed out.

6. Perimeter Treatment – the Site Layout Plan appears to indicate gates at the combined front pedestrian/vehicular entrance, which is recommended. Perimeter treatments include combined low brick wall/railings and hedge to Savery Row, railings and hedge to the playing field and closeboard fencing to the north and east. The sides and rear of the building are potentially the most vulnerable, so the perimeter treatments at these boundaries should be minimum height of 1.8 metres.

7. Communal Garden Areas – any permanent garden furniture, fixtures and equipment must be of substantial construction and securely fixed to prevent use as climbing aids.

8. External Lighting – appropriate 'dusk to dawn', low energy security lighting should be designed to cover potential high risk areas around the building including main entrance(s), refuse/mobility scooter/cycle store and any other secluded areas. All lighting should be vandal-resistant and automatically controlled by photo-electric cell



or time switch with manual override. Lighting in the car park should comply with BS 5489:2013.

9. Landscaping/Planting – should not impede opportunities for natural surveillance. As a general rule, where good visibility is needed shrubs should be selected which have a maximum growth height of no more than 1 metre and trees should be open, columnar and devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. Defensive planting (thorny shrubs) should be used in appropriate areas to deter unauthorised access.

10. Signage – appropriate signage should be used in external and internal areas to assist visitors and deter unauthorised access.

11. CCTV – is not a universal solution to security problems but it can help deter burglary and vandalism, assist with the identification of offenders when a crime has been committed and assist in the management of premises. Bearing in mind the nature of the development, I recommend such a system be considered to monitor appropriate external areas, particularly vehicular access and car park.

12. Car Parking – the car park is of a regular shape at the front of the building with no hidden areas and good surveillance opportunities. Parking spaces are in straight lines which assists surveillance from the building. An area of the car park should be allocated to staff in view of occupied offices. Secure motor cycle parking should also be provided for staff and visitors.

13. **Mobility Scooter/Cycle/Refuse Stores** – both stores are integral to the building and at the front, which is recommended. The mobility scooter/cycle store should be included in the access control system. Wheelie bins can also be used as climbing aids or arson, so the refuse store should be lockable to prevent and deter such offences.

14. Access Control – as mentioned in the Planning Statement, a suitable audio/visual access control system will be installed for use by residents.

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

#### **Other Internal Security Issues –**

- The main entrance lobby incorporates an airlock type arrangement of outer and inner doors leading to Reception/Office plus additional doorsets leading to ground floor areas, lift and stairs and all doors should be access controlled. The lobby is well supervised from the Reception/Office.
- The building wings on all floors are straight with good sight lines along them.
- There appears to be a separate staff entrance and stairs leading to the staff accommodation and other levels.

16. Secured by Design – if planning permission is granted, the applicant is advised to refer to the '**SBD Homes 2016**' design guide available on the Secured by Design website – [www.securedbydesign.com](http://www.securedbydesign.com) which provides further comprehensive

guidance regarding designing out crime and the physical security of dwellings.

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

*SOUTH WESTERN AMBULANCE SERVICE* - No comment.

*WESTERN POWER DISTRIBUTION* - The site has an operational sub station on it. Any alterations to access operation etc will have to be agreed with Western Power Distribution.

## **Representations Received**

1 letter of support

- The developer should incorporate pairs of swift nesting bricks on at least 50% of properties.

1 letter on concern over maintaining access and parking to Savery Row during works and on completion.

8 letters of objection on grounds of

- site not suitable
- overlooking and loss of privacy
- concern of overshadowing
- lack of parking
- inadequate access to Savery Row
- parking permits for area should be prevented
- no rainwater harvesting,
- pavements are too narrow for mobility scooters,
- query fire engine access
- disruption during build

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

CP1 - Climate change,

CP2 - Economy,  
CP4 - Housing,  
CP5 - Inclusive communities,  
CP6 - Transport and accessibility,  
CP8 - Environment,  
DM1 - General requirements,  
SD1 - Presumption in favour of sustainable development,  
SP1 - Sustainable development locations,  
A1 - Parking Requirements,  
A2 - Travel Planning,  
A5 - Accessibility of development,  
D7 - Design quality,  
ENV2 - Tree planting within new developments,  
ENV4 - Archaeology,

## **Local finance considerations**

### **Community Infrastructure Levy**

N/a

### **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 main consideration with this development is the compliance with policy in terms of loss of employment land, the impact on the setting of heritage assets, wildlife, the amenity of existing residents, access/parking and drainage.

### **POLICY**

The site lies within the built up area of Taunton in a sustainable location where redevelopment proposals are supported subject to compliance with policies of the Development Plan. This consists of the Taunton Deane Core Strategy and the Site Allocations and Development Management Plan. Policy CP2 of the Core Strategy seeks to provides new jobs and businesses but also seeks to retain existing sites and includes the statement: "Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site." In this instance the applicant has submitted an Employment Land Report in relation to the site. The site consists of 16 units providing around 1747sqm of floor space and this represents only 0.61% of the available stock of employment land. The recent Employment, Retail and Leisure Study Report (ERLS) indicates that there is an over supply of land to meet its needs in the Borough. It is also recognised that some of the accommodation on site is not fit for purpose and that the redevelopment of these

buildings for employment purposes is not viable. Consequently it is considered that the redevelopment of the site for a residential care home use would provide a suitable alternative to employment use of the site and would not harm the employment land provision across the district.

The development is considered a care facility under Class C2 and as such there is not a requirement for affordable housing. The applicant has clearly shown that there is a need for such accommodation in the area and as such the use of the site is considered to be a beneficial one. The benefits of the reuse of the site are considered to outweigh the loss of the employment land use and as such the development is considered to comply with policy CP2.

## HERITAGE ASSETS

The site lies outside and to the north of the South Road Conservation Area and is set to the south of an existing terrace of listed properties on South Street. In addition the site lies in an area of made up land formerly a brick works where past archaeological investigation has occurred. The Somerset Industrial Archaeological Society (SIAS) consider the submitted assessment to be weak and recommend further investigative work be undertaken. In order to achieve this a condition to require a programme of works is recommended.

In terms of the setting of the conservation area, the new building on the site will be of similar height to existing buildings around the perimeter and would be a visual enhancement over the buildings to be demolished. Consequently given this and the physical separation of the site and conservation area there is not considered to be any adverse impact and if anything the setting would be enhanced.

There are listed buildings within the vicinity of the site particularly those facing onto South Street. Any applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses". The development will not encroach significantly closer to the listed terrace than the existing structures and whilst the rear boundaries of these properties abut the access road to the application site they are visually separated from it by rear gardens and a number of outbuildings and boundary structures. Moreover the proposed building would be sited towards the south western boundary of the site and would still maintain a distance of some 60 metres between it and the listed terrace. Taking these factors into consideration it is considered that there would be little material difference between the existing situation and what is now proposed. Taking into account the provisions of the Framework it is concluded that the provisions of paragraph 196 are not engaged since there would be no harm to any of the identified assets and any impact on the assets that would occur would be moderately positive. This also means that the test required by section 66 of the 1990 Planning Act has also been met.

## WILDLIFE

An ecological assessment was submitted with the application and there were no significant findings in relation to protected species. The Biodiversity Officer considers that the development will secure an enhancement and recommends a condition to ensure the improvements identified in the submitted report.

## AMENITY

The proposed redevelopment will take the form of a two and three storey building in an 'L' shape with landscaping and planting in front. The majority of the rooms face the playing field to the south west and cause no overlooking or privacy issues. The windows in the north west elevation are facing out towards a play area or the end of a road and front garden and do not cause any overlooking or privacy issues. The upper floor balconies to units 21 and 44 may have potential for overlooking and an obscure screen to the side is considered appropriate and can be conditioned.

The units facing north east are largely set well back from the boundary by around 25m and do not raise a cause for concern given the high boundary wall to the rear of the South Street properties. The exceptions to this are the units 30 and 31 at first floor level which are 8m off the boundary. It is considered necessary to control the side of the balconies of these units plus the glazing of the secondary living room windows to prevent undue overlooking. The south eastern elevation has upper floor windows and balconies, however these are 14-18m away from the properties to the south and given the planting proposed in between it is not considered necessary to control the glazing. Similarly the windows in the corner projection on this elevation face towards the front parking/turning area of Holland Mews and it is not considered necessary to restrict the glazing here as it is not considered to result in any significant loss of privacy.

## ACCESS/PARKING

The proposal provides for an improved widened access and footway into the site and maintains the access for the properties in Savery Row and South Street. In addition 39 parking spaces are provided which is considered more than adequate for the 62 units, given the nature of the care use and proposed staff numbers. The concern has been raised by locals over parking given the current situation and limited on street parking in South Street. An assessment has been made by the applicant in light of the use and the current level proposed. The parking provision is an over-provision in relation to the policy of the SADMP and the issue therefore is, is there harm from the layout as submitted to warrant a refusal. An amendment has been made providing additional landscaping and the scheme as revised is considered an acceptable one subject to a condition to secure the required travel plan.

## DRAINAGE

The foul and surface water drainage to the site is intended to be dealt with by Wessex Water systems. In terms of surface water, the discharge rate has yet to be agreed and the Lead Local Flood Authority suggest a condition to address this. The

land slopes towards the existing drainage infrastructure and there is no reason to believe that a suitable provision cannot be provided. A condition to require the detail in terms of surface water disposal is considered appropriate prior to new construction commencing.

## CONCLUSION

The proposal provides a suitable alternative use for a brownfield site in a sustainable location. The development is considered to comply with policy CP2 and the benefits of the new use outweigh the loss of employment land here. There is not considered to be any adverse harm to amenity. Adequate parking is provided together with an improved access and subject to appropriate conditions the development is considered acceptable.

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

**Contact Officer: Mr G Clifford**

38/18/0357

## CHURCHILL RETIREMENT LIVING

**Erection of 72 No. retirement apartments, guest apartment, communal facilities, access, car parking and landscaping at the former Lidl site, Wood Street, Taunton (resubmission of 38/18/0079)**

Location: FORMER LIDL, WOOD STREET, TAUNTON

Grid Reference: 322555.124763

Full Planning Permission

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## Recommendation

**Recommended decision: Conditional Approval** subject to a legal agreement to secure the affordable housing contribution

### Recommended Conditions (if applicable)

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

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

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

(A4) DrNo 10098TT - PLOC Location Plan  
(A1) DrNo 10098TT - P101 Rev A Site Plan  
(A1) DrNo 10098TT - P102 Rev A Ground Floor Plan  
(A1) DrNo 10098TT - P103 Rev A First Floor Plan  
(A1) DrNo 10098TT - P104 Rev A Second Floor Plan  
(A1) DrNo 10098TT - P105 Rev A Third Floor Plan  
(A1) DrNo 10098TT - P106 Rev A Roof Plan  
(A1) DrNo 10098TT - P07 Elevations 1  
(A1) DrNo 10098TT - P108 Rev A Elevations 2  
(A1) DrNo 10098TT - P109 Rev A Elevations 3  
(A1) Tree Protection Plan  
(A1) DrNo 10098TT - P11 Rev A Flood Levels Section

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

3. Prior to occupation of the building(s), works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development,

hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority and shall include the maximum discharge rates and the means of maintenance for the life time of the development. The works shall thereafter be retained and maintained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

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

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

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

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

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

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

6. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of ECOSA's Preliminary Ecological Appraisal, dated September 2018 and include:

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

2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance

3. Measures for the retention and replacement and enhancement of places of rest for the species

4. Details of proposed lighting

5. A Construction Environmental Management Plan ( CEMP)

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the



maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife.

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

7. Notwithstanding the details on the submitted drawings details of a turning space for a refuse vehicle within the site shall be submitted to and approved in writing by the Local Planning Authority and the development so approved shall not be occupied until space has been laid out, drained and surfaced within the site for the parking and turning of vehicles, in accordance with the details that shall first have been submitted to and approved in writing by the Local Planning Authority, and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

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

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

9. Details of any new river flood defence wall shall be submitted to and approved in writing by the Local Planning Authority prior to its construction and shall thereafter be constructed as agreed.

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

10. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level (other than existing street furniture) in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced brought into use and shall thereafter be maintained at all times.

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

11. The proposed buggy access shall incorporate pedestrian visibility splays on

both its sides to the rear of the existing footway based on co-ordinates of 2.0 metres x 2.0 metres. Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

12. Prior to first occupation of the development hereby permitted, access to covered cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

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

13. Details of the design and materials of the buggy store and sub-station shall be submitted to and approved in writing by the Local Planning Authority prior to their wall construction commencing and works shall thereafter be carried out as agreed.

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

14. A detailed scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority and provided prior to first occupation of the development hereby permitted.

Reason: In the interests of sustainable development and reducing air pollution in town.

15. The accommodation hereby permitted (excluding staff and guest accommodation) shall only be occupied by persons aged 60 years or older, with the exception of persons of a minimum of 55 years old who are a spouse or partner of an occupant 60 years old or above, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure care provision to those in identified need.

16. Finished floor levels shall be 16.52m AOD and the flood defence bank shall be no lower than 16.37m AOD.

Reason: In order to secure the safety of the site from flood risk.

17. Notwithstanding the detail on the submitted layout plan a surfaced footway 2m wide shall be provided between Tangier Way and the riverside path prior to occupation of the new building.

Reason: In the interests of connectivity and pedestrian links around the town centre as set out in the Town Centre Design Code SPD.

## Notes to Applicant

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

## Proposal

The proposed development consists of 72 Retirement Living units with communal facilities comprising of 51 one-bedroom units and 21 two-bedroom units guest apartment, communal facilities, car parking and landscaping and vehicle access from Wood Street. The development is accompanied by a Planning Statement, Heritage Statement, Flood Risk Assessment, Viability Assessment and Transport Assessment.

## Site Description

The site consists of a triangle of land that is hard surfaced and was the former car park and now demolished building of the former Lidl store. The site is bounded by walling of varying height on all sides including a flood defence wall on the river side.

## Relevant Planning History

38/00/0249 - Erection of a retail foodstore, car parking and the construction of a new road and junction with Wood Street at the former Graham Reeves site, Wood Street, Taunton - CA 14/2/01

38/18/0079 - Erection of 72 No. apartments for the elderly, guest apartment, communal facilities, access, car parking and landscaping at former Lidl site, Wood Street, Taunton - Appeal for Non-determination

## Consultation Responses

*SCC - FLOOD RISK MANAGER* - We welcome the reduction in impermeable area from 100% to 62%, and the impact that this will have upon the runoff rates from the site. We note that the proposals are to provide a private surface water drainage system for the site, as the easement requirements for adoption cannot be fully met. It is important that a detailed maintenance arrangement for the private sewer system is provided, as parts of the site are heavily constrained in terms of access and this could be problematic in the event of any emergency. Also parts of the

surface water drainage system are located under buildings, and assume that these sections will comply with relevant building regulations.

There is no confirmation within the FRA that no flooding of the site will occur during a 1 in 30 year event.

As the site drains to the River Tone via an existing sw outfall it is important that the drainage system operates during fluvial flood events, and the site will not suffer flooding from the drainage system backing up. Management of exceedance events is not discussed in detail as to how these will be managed within the site boundary – whilst the FRA states that properties on site will not be impacted due to raised floor levels, there is no assessment of the impact upon third parties (i.e. adjacent sites, roads etc).

It is not explicit whether the proposed permeable paving will have a purely treatment function or provide additional storage, but we note that it correctly hasn't been included in the calculations.

*LEISURE DEVELOPMENT* - No observations to make.

*WESSEX WATER* - No comment

*BIODIVERSITY* - The application is for the erection of 72 apartments at the former Lidl site, Wood Street, Taunton. (Resubmission of 38/18/0079)

The site is immediately adjacent to The River Tone, a local Wildlife site. ECOSA carried out a Preliminary Ecological Appraisal of the site in March 2018. The document was updated in September 2018. The site comprises predominately hardstanding with a small amount of scrub, tall ruderal vegetation and scattered broadleaf trees. It is immediately adjacent to the River Tone.

The scheme will include lighting but currently details are unknown. **The sensitive design of lighting is very important due to the possible impact lighting could have on wildlife using the river.**

Findings of the survey were as follows

**Bats** - The site itself provides negligible potential for foraging and commuting bats however the River Tone provides important habitat for bats, particularly pipistrelle, lesser horseshoe and noctule bats. The introduction of lighting is likely to have a negative impact on these bats so must be sensitively designed with lux levels as low as possible.

I support the installation of bat boxes.

**Birds** - The site has potential to support nesting birds. Removal of vegetation should take place outside of the bird nesting season

I support the installation of bird boxes.

**Suggested Condition for protected species:**

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of ECOSA's Preliminary Ecological Appraisal, dated September 2018 and include:

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained.

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

Reason: To protect and accommodate wildlife.

**Informative Note**

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

***SCC - TRANSPORT DEVELOPMENT GROUP –***

The Highway Authority do not object to the proposal in terms of traffic impact on the local highway network given that the development proposed is likely to generate less vehicle movements than the sites past consent as a supermarket.

However, the Highway Authority has concerns with the proposed refuse vehicle arrangement (raised previously to the LPA for previous application 38/18/0079).

For this application the applicant has demonstrated a swept path analysis (Drawing No: 135.0013.007) for a refuse vehicle measuring approximately 6.6m in length. The Highway Authority do not consider this acceptable given that the proposed refuse vehicle would appear to measure smaller than some emergency service vehicles. It is considered necessary that the internal layout of the site can accommodate the safe manoeuvring of all emergency service vehicles to allow all

associated vehicles to enter the public highway in a forward gear.

Furthermore, it is the view of the Highway Authority that such a proposed refuse vehicle (6.6m) may be difficult to condition or ensure future service of the site. There would appear sufficient space within the internal layout to provide suitable manoeuvring for standard refuse vehicles (11.4m in length) that would also allow sufficient parking for associated users in line with the Somerset Parking Strategy (SPS). It is therefore advised that the applicant provide a suitable swept path analysis (a scale of 1:200 advised) for an 11.4m refuse vehicle.

The applicant has not proposed any cycle parking for the associated residents/visitors/employee(s) on the basis that surveys indicated that cycle parking demand was limited considering the type of accommodation that is being proposed. Notwithstanding this, the Highway Authority would still recommend appropriate cycle parking is provided in line with the Somerset Parking Strategy (SPS) to promote sustainable travel. Cycle parking should be safe, secure and sheltered. Electric car charging points would also be recommended.

It is noted that section 3.24 of the Transport Assessment proposes that a buggy store at the northern end of the site, to accommodate parking for up to 12 buggies and access onto Tangier Way may be provided. The applicant would need to ensure suitable pedestrian visibility splays are provided onto the footway on Tangier Way, all buggies can safely enter/exit the parking area and appropriate charging facilities are provided.

The applicant may wish to consider a safe, separate pedestrian access to the proposed building to reduce any risk of vehicle and pedestrian conflict within the mouth of the proposed parking area.

With reference to the submitted Flood Risk Assessment and appendices, there is currently insufficient information to confirm whether any surface water runoff will drain towards the public highway. Provision will have to be made within the site to prevent any discharge of surface water entering out onto the public highway and conditioned.

No Travel Plan has been submitted as part of this application. A Full Travel Plan is required in this instance that will need to be secured under a S106 Agreement.

On balance of the above it is recommended that the applicant revisit the current proposal and address the following points:

- Submit a suitable Travel Plan (to be agreed in writing and secured under a S106).
- Submit a suitable swept path analysis of an (11.4m refuse vehicle, 1:200 scale advised).
- Demonstrate appropriate cycle parking storage.

Once the Highway Authority are satisfied that suitable detail and drawings have been provided by the applicant, appropriate conditions can be recommended to the

LPA.

## AMENDED COMMENTS

In our previous comments dated 12 November 2019 it was recommended by the Highway Authority that the applicant revisited and provided further suitable detail as set out below.

- Submit a suitable Travel Plan (to be agreed in writing and secured under a S106).
- Submit a suitable swept path analysis of an (11.4m refuse vehicle, 1:200 scale advised).
- Demonstrate appropriate cycle parking storage.

It would appear however, that the additional information submitted does not address any of the points advised above and as such previous Highway Authority comments remain valid. To reiterate there is no objection to the principle of the proposed development although the above points do need to be appropriately addressed by the applicant.

There appears scope within the site to satisfy the above relative points and in the interest of moving the application forward, the Highway Authority recommend that a suitable Travel Plan is agreed in writing and secured under a S106 prior to commencement of the development and the following conditions are also recommended if members are minded to granting planning permission.

- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before commencement and maintained thereafter at all times.
- There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced brought into use and shall thereafter be maintained at all times.
- The proposed buggy access shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0 metres x 2.0 metres. Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times.
- Plans showing a parking and turning area providing for an agreed number of vehicles shall be submitted to and approved in writing in conjunction with the Local Planning Authority before the development is commenced. The agreed parking and turning area shall be able to accommodate all associated vehicles to the consented development (including refuse and emergency

service vehicles) that will safely allow entering the public highway in a forward gear. This area shall be properly consolidated before first occupation and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

- Prior to first occupation of the development hereby permitted, access to covered cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
  - Any proposed pedestrian and buggy access onto the public highway shall not be first brought into use until an agreed consolidated access is constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access(es) shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.
  - Prior to first occupation of the development hereby permitted, access to covered electric vehicle charging points will need to be available to all residents. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
  - During the construction phase the applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement and thereafter maintained until the construction phase of the site discontinues.
  - No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
    - Construction vehicle movements;
    - Construction operation hours;
    - Construction vehicular routes to and from site;
    - Construction delivery hours;
    - Expected number of construction vehicles per day;
    - Car parking for contractors;
    - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
    - A scheme to encourage the use of Public Transport amongst contractors;
- and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network, if required.

*Note*

*The applicant will be required to secure an appropriate licence/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.*

*SOMERSET WASTE PARTNERSHIP* - We are raising concerns over the proposed collection and return of at least 16 wheeled bins from the main road (A3087 - Tangier Way). We would block the road here while making collections which I estimate could take up to 20 minutes per collection. This would cause danger to our collection crews and members of the public using the road. We would much prefer to make the collection from the parking area for those homes where it would be safer for all. The bin store would need to be capable of holding at least 10 x 1100L (1335mm x 1360mm x 1030mm) refuse bins and at least 6 x 240L (1065mm x 575mm x 735mm) communal recycling bins. It is worth noting this service will be expanded in the future so additional capacity for this number of bins should be considered.

*LANDSCAPE* - The proposed landscape strategy appears to be satisfactory with a good palette of trees and shrubs proposed. However full details are required.

*ENVIRONMENT AGENCY* – The Environment Agency wishes to maintain its **OBJECTION** to this proposal, as set out in previous correspondence dated 5 November 2019 to the Local Planning Authority.

We will object until we see details of the flood defence wall being built as part of this proposal. We have repeatedly requested these details and look forward to receiving them in due course.

*HOUSING ENABLING* - Owing to the viability issues regarding this site, an affordable housing contribution of £167,430 is deemed acceptable in this instance.

*SOMERSET WILDLIFE TRUST* - We repeat the comments on the previous application 38/18/0079. We support the recommendations for Mitigation and Enhancement. However we are still very concerned about the possible impact of lighting from this development on the wildlife corridor of the River Tone. The development is in particularly close proximity to the river and is not well shielded as only a few small trees are shown between the development and the river. In our view the development should be lower and set back from the river frontage.

*SOMERSET HERITAGE TRUST* - No objection on archaeological grounds.

*DESIGN REVIEW PANEL* - In summary the main conclusions of the Panel are:

The presentation given at the session was clear thorough and professional. The Panel is not supportive of the design of the proposals which it is felt are not of a sufficiently high standard for such a predominant site within Taunton's townscape.

the proposal to split the building and the proposal to re-orientate part of it is considered to be an improvement

There is a concern that the proposed form feels homogenous and appears to be out of keeping with its context

There is concern that the proposals (building & landscape) do not address the public footpath located to the east of the site

It is felt there may be too much parking provision being proposed for the scheme.

It may be helpful to produce a river frontage elevation

The proposed drop in ridge height along Tangier Way as well as the proposed hipped roof appears incongruous

It is felt that there is an opportunity for the South West corner of the proposed building to become a key nodal point.

The proposals may benefit from the reconsidering the overall landscape strategy.

There is a concern that the proposed trees indicated along the riverfront may not work as currently placed.

It is felt the railings proposed around the site boundary are of poor quality

The Panel has a concern regarding the proposed ramp levels & general accessibility across the site and amenity areas

It may be beneficial to demonstrate how low energy and renewable energy considerations may have informed the building design & building form on a site specific basis.

Empirically demonstrating an ecological enhancement may be a consideration in favour of the proposals.

## **Representations Received**

1 letter of objection on grounds of design, materials will not enhance centre of town, some commercial space should be provided

1 objection on the basis of a lack of retail use on the site to anchor this end of Taunton and residential should be resisted.

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

SP1 - Sustainable development locations,

CP1 - Climate change,

CP4 - Housing,

CP5 - Inclusive communities,

CP6 - Transport and accessibility,  
CP8 - Environment,  
DM1 - General requirements,  
A1 - Parking Requirements,  
A2 - Travel Planning,  
D7 - Design quality,  
ENV4 - Archaeology,  
ENV5 - Development in the vicinity of rivers and canals,  
ENV2 - Tree planting within new developments,  
ED1 - Design,  
ED4 - Density,  
TG1 - Wood Street Sites,  
ED6 - Off-site Public Realm Enhancements,  
F1 - Flooding,  
F2 - Developer Contributions to Waterways and Flooding,  
D13 - Public Art,

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of dwellings is CIL liable.

The application is for residential development in Taunton Town Centre where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

### **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	£77,963
Somerset County Council	£19,423

#### *6 Year Payment*

Taunton Deane Borough	£466,157
Somerset County Council	£116,539

## **Determining issues and considerations**

The main issues for consideration here are the policy, design, access, parking and drainage.

### **POLICY**

The site lies within the town centre and is subject to a number of planning policies

including the Core Strategy, the Site Allocations and Development Management Plan and the Taunton Town Centre Area Action Plan. Policy Tg 1 of the latter plan set out the potential requirements for individual sites in Wood Street. The Lidl site was identified for residential use, a potential swimming pool or library and an improved riverside path with development of 3-4 storey envisaged by the design guide. The Town Centre Area Action Plan was adopted in 2008 and given the circumstances over the intervening 10 years it is no longer envisaged that there is a need for additional swimming pool or that the library will move to this location. The site is available for residential use and there is scope to improve the riverside as part of any development.

The applicant has demonstrated that there is a need for elderly persons accommodation and that such provision would have social, economic and environmental benefits for the area. The applicant has submitted a viability assessment which demonstrates that affordable housing provision in terms of a commuted sum would be limited to £167,430. In addition to this the new NPPF suggests a minimum 10% requirement for affordable home ownership in certain circumstances but also provides exemptions to this. The provision of purpose-built accommodation for the elderly is one such case, so consequently it is accepted that the commuted sum for affordable provision shall be provided subject to a legal agreement.

The use for elderly person's accommodation is one that is considered acceptable in principle given the central location of the site and ease by which residents could access facilities. A condition to address the age limit of residents is proposed. The issues to consider are whether there are any adverse impacts from the proposal to outweigh the benefits.

## DESIGN

The main issue here is the design given that the site is a very prominent one in terms of townscape as it will be clearly visible from the road and from the conservation area on the opposite side of the river. The site is already set above river level and to satisfy the Environment Agency requirements to allow for residential use it is necessary to increase the level of the site by around 1m. This will accentuate the prominence of the building and it is vital that given the poor design of the previous building the replacement here is of a good design. The previous scheme was for a rectangular block that addressed the river but did not properly address the road frontage and included a number of design features that were not characteristic of the area. The previous scheme was considered unacceptable in design terms and following appeal against non-determination Members determined it would have been refused on design grounds only.

Due to the importance of the site the Authority has taken the revised scheme to the Design Review Panel and their summary comments are included above. The applicant has made a number of changes to the design of the building to address many of the concerns of the panel. The whole roof design was looked at, however a mansard design would create a heavier looking roof that would be considered incongruous and a half dormered solution would introduce a more broken roof form that would lead to a large number of down pipes and is again considered unsympathetic to the area. The current pitched roof design is considered an

acceptable one. The roof over the Tangier Way elevation has been simplified and the hipped roof removed. The south west corner elevation has been amended to replace the blank elevation and provide bay windows to new apartments. The access has been amended to provide a safer pedestrian access and the access ramp has been re-sited and steps added to provide an alternative shorter route. Steps to the riverside which would have breached the flood defence wall have been moved to the east, thus allowing pedestrian access to the buggy stores and end of the car park. The bin store has also been relocated within the building so it is easily accessible from the car park and the parking has been reduced, with a turning head and increased landscaping. A detail of the end elevation in context has been produced and an example of railings provided. The context is being addressed through high quality materials and a condition to ensure the appropriate material details is proposed. Similarly there is a condition in respect of landscaping to ensure an appropriate visual link with the surroundings. In addition to the above improvements ecological enhancements are proposed in terms of control over lighting with any lighting having hooded luminaires directed away from the river, new landscaping to be native species wherever possible to provide greater ecological value and bat tubes to be incorporated into the fabric of the new building.

## ACCESS

The access to the site is off Tangier Way and the scheme utilises the existing access point. The Highway Authority consider this access, parking and visibility suitable and raise no objection in principle. An issue of concern was the siting of the bin collection area and the intended servicing of this from the highway. The bin storage area has been relocated within the building so it can now be serviced from the car park. There is no reason to believe the servicing of the site could not take place from here and a condition to ensure a suitable turning space is provided and can be conditioned.

The current layout indicates 24 parking spaces for 72 units set out in an area that will be screened by tree and shrub planting. The car parking requirement of policy A1 is flexible and allows for the consideration of impact on urban design, the accessibility of the site and the nature of the development. The policy states reductions in level of car parking will be expected for elderly person's accommodation. The parking area has been reduced to one space per 3 units and as there are nearby public car parks it is considered that this provision could be reduced further. However while a further reduction in numbers would be acceptable, the provision is not considered contrary to policy and the nature of the current layout is an improvement and allows for improved landscaping.

## DRAINAGE

The site lies within the flood risk area adjacent to the river Tone and a FRA has been submitted with the scheme. The site is allocated in the Local Plan and passes the sequential test as a result. Under the NPPF guidance the site also has to pass the Exception Test. In this instance the sustainability benefits of having a residential scheme of this nature close to the town centre is considered to provide benefits such as jobs and needed accommodation that outweigh the flood risk. Furthermore the FRA indicates that the site will be safe and will not increase risk elsewhere and

overall. The developer has approached the Environment Agency for pre-application advice and seeks to raise levels across the site and provide a floor level of 16.52 AOD and a new flood defence level of 16.37m AOD. This would help safeguard the site and help prevent flooding to other parts of the town centre. It will also avoid the need for temporary flood defences in this location as envisaged by the Firepool scheme. As a result of this intended enhancement the Environment Agency does not consider provision of off site flood mitigation storage is required. The building is designed to be a 'safe haven' should a flood event occur and a Flood Emergency Plan will take into account such an eventuality. The Environment Agency still raise an objection as the details of the flood defence wall have not been submitted. However there does not appear to be any reason this detail cannot be conditioned and it would need separate consent from the Environment Agency under the flood defence regime in any case.

The surface water drainage currently operates to existing drains to the river and agreement would need to be reached with Wessex Water and the Lead Local Flood Authority. The current site is 100% hardstanding and the development will see 38% permeability which is a significant betterment. The latter has raised objection as there is a lack of information in terms of the surface water provision on site. The developed site will have a greater permeable area and will reduce the surface water run-off and it is considered a suitable condition can be imposed to address this. The foul drainage scheme is to link into the existing Wessex Water system and there has been no objection to this.

## SUMMARY

In conclusion the use of the site for elderly person's accommodation is considered an appropriate re-use of a vacant brownfield site and is acceptable in principle. The scheme would secure an improvement in flood defences and subject to appropriate conditions in terms of design, drainage, turning, materials and footway the scheme is considered acceptable.

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

**Contact Officer: Mr G Clifford**

38/18/0465

TAUNTON DEANE BOROUGH COUNCIL - SW

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

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

Grid Reference: 323307.126587

Full Planning Permission

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## Recommendation

**Recommended decision: Conditional Approval** subject to a Section 106 to secure the play provision contribution and maintenance of the off site parking and street trees and clarification of the stopping up process prior to determination, the application be delegated to Officers to determine.

### Recommended Conditions (if applicable)

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

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

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

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

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

(A0) DrNo L017 Rev B Illustrative Phase 1 Plan

- (A3) DrNo 1010 Rev L 2 Bed 4 Person Narrow Fronted House Plans
  - (A3) DrNo 1011 Rev L 3 Bed 5 Person Narrow Fronted House Plans
  - (A3) DrNo 1012 Rev K 3 Bed 5 Person Wide Fronted House Plans
  - (A3) DrNo 1015 Rev K 4 Bed 6 Person Wide House Plans
  - (A3) DrNo 1016 Rev L 3 Bed 6 Person Chalet Plans
  - (A3) DrNo 1017 Rev J 3 Bed 6 Person Chalet Elevations
  - (A3) DrNo 1018 Rev J 1 Bed 2 Person FOG Plans
  - (A3) DrNo 1019 Rev K 1 Bed 2 Person Bungalow Plans
  - (A3) DrNo 1020 Rev K 2 Bed 3 Person FOG Plans
  - (A3) DrNo 1021 Rev J 2 Bed 3 Person FOG Elevations
  - (A3) DrNo 1022 Rev J Flats Wide Fronted Plans
  - (A3) DrNo 1023 Rev H Flats Wide Fronted Elevations
  - (A3) DrNo 1026 Rev J 1 Bed 2 Person Flat Plans
  - (A3) DrNo 1027 Rev I 2 Bed 3 Person Flat Elevations \_ N&S
  - (A3) DrNo 1028 Rev I 2 Bed 3 Person Flat Elevations \_ E&W
  - (A3) DrNo 1030 Rev K 4 Bed 6 Person Narrow Fronted House Plans
  - (A1) DrNo 1032 Rev I Flats & Community Centre (2B3P & 1B2P Ground & First Floors)
  - (A1) DrNo 1033 Rev I Flats & Community Centre (2B3P & 1B2P Second Floors)
  - (A1) DrNo 1034 Rev H Flats & Community Centre Elevations
  - (A3) DrNo 1035 Rev D 2 Bed 3 Person Bungalow
  - (A3) DrNo 1037 Rev D 2 Bed 4 Person Bungalow
  - (A3) DrNo 1039 Rev G 4B7P Wheelchair
  - (A3) DrNo 1041 Rev B 4B7P Wheelchair Side Elevations
  - (A3) DrNo 1042 Rev A 3 Bed 6 Person Chalet Elevation
  - (A3) DrNo 1043 Rev A 3 Bed 6 Person Chalet Elevation
  - (A3) DrNo 1045 Rev D Street Elevation Phase 1
  - (A1) DrNo 1046 Rev D Street Elevations Phase 1
  - (A3) DrNo 1047 Rev D Street Elevations Phase 1
  - (A3) DrNo 1048 Rev D Street Elevations Phase 1
  - (A3) DrNo 1050 Rev B Dorchester Flats
- (A1) DrNo 1052 Rev C Street Elevations Phase 1

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

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

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

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



of commencement of the development.

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

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

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

Reason: In the interests of highway safety.

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

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

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

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

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

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

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

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

1. Details of the timing of works to avoid periods of work when the species

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

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

Reason: To protect and accommodate wildlife.

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

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

Reason: To prevent the increased risk of flooding.

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

Reason: To prevent the increased risk of flooding.

#### Notes to Applicant

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

## Proposal

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

including 5 disabled adapted units.

## Site Description

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

## Relevant Planning History

None

## Consultation Responses

*SCC - TRANSPORT DEVELOPMENT GROUP* - This application is for the replacement of 26 existing dwellings, together with the creation of an additional 21 new dwellings (ie a total of 47 dwellings replacing the existing 26 homes). This forms part of Taunton Deane Borough Council's 'Woolaway Project' for a redevelopment within the Priorswood area of Taunton to replace or refurbish some 212 structurally defective Woolaway properties, mostly in District Council ownership, and create an additional 64 new properties (providing a new total of 276 dwellings). The 47 dwellings proposed within this application form the first phase of this project, with a separate outline application (with all matters reserved) having been submitted for the remaining phases of the project.

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

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

### Traffic Impact

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

## **Travel Plan**

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

## **Parking**

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

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

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

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

## **Highway Works**

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

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

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

confirm the areas to be put forward for stopping up, prior to the grant of any planning consent.

### **Other**

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

### **Conclusions**

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

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

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

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

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

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

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

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

Current pupil and build costs indicate that the following education contributions

would be required:

2 x 17,074 = £34,148

7 x 17,074 = £119,518

3 x 24,861 = £74,583

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

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

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

Further to Barbara's comments, and as the National Planning Policy Framework requires enhancement, paragraph 3 should mention examples of what would be required. I would recommend that a number of bat and bird boxes and bee bricks be built into the structure of the houses. Such as - Bat boxes should be of the Habitat 001 type or similar that are built in the structure of buildings away from windows and over 4m above ground level generally on western elevations; bird nests should include house martin and swift nest cups, house sparrow nests and a variety of other types on northern elevations; and bee bricks about 1m above ground level on south elevations.

*ENVIRONMENT AGENCY* - initial comments

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

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

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

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

guidance are available on the GOV.UK website:  
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

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

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

### *Further comments*

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

#### CONDITION:

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

REASON: To prevent the increased risk of flooding

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

REASON: To prevent the increased risk of flooding.

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

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

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

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

Findings were as follows:

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

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

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

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

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

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

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

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

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

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

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

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

**Otters** - No evidence of otters was found.



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

**Suggested Condition for protected species:**

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

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

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

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

Reason: To protect and accommodate wildlife.

**Informative Note**

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

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

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

*LANDSCAPE* - No landscape objection. It is good to see that street trees are

proposed. Mood board is acceptable but full landscape detail will be required.

WESSEX WATER - No comments

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

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

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

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

**Comments:-**

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

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

Burglary – 4 Offences (comprising 3 residential burglaries & 1 business & community burglary)

Drug Offences – 2

Miscellaneous Crimes Against Society - 1

Public Order Offences – 19 (incl. 14 causing intentional harassment, alarm, distress)

Sexual Offences - 2

Theft – 42 Offences (incl. 3 theft of pedal cycle and 29 shoplifting)

Vehicle Offences – 3 (all theft from motor vehicles)

Violence Against the Person – 42 Offences (incl. 6 assault ABH & 17 common assault & battery, 6 Harassment)

Other Offences - 1

**Total – 126 Offences**

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

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

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

**Design & Access Statement** – further to this, the DAS at page 28 contains a

section headed '**Secure by Design**', which lists some fifteen areas of crime prevention design which were discussed with the Residents Design Group and which have been incorporated into this scheme. Without repeating them, I support the points made and the only other comment I would make at this stage is as follows:-

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

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

*SOUTH WESTERN AMBULANCE SERVICE* - No comment

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

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

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

*SCC HERITAGE TRUST* - No objections on archaeological grounds.

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

*HOUSING STANDARDS* – No comments

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

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

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

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

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

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

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - No comment.

*OPEN SPACES MANAGER* - No comment.

## **Representations Received**

6 letters of objection and concern over

- design of community centre,
- nature of green space,
- boundary treatment

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

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

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

## **Local finance considerations**

**Community Infrastructure Levy**  
 Creation of dwellings is CIL liable.

Proposed development measures approx. 3680sqm.

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

### **New Homes Bonus**

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

#### *1 Year Payment*

Taunton Deane Borough	£22,660
Somerset County Council	£5,665

#### *6 Year Payment*

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

### **Determining issues and considerations**

The main considerations with this proposal are the impact on the character of the area, amenity impact, wildlife, access, parking and drainage.

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

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

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

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

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

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

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

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

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

**Contact Officer: Mr G Clifford**





38/18/0467

TAUNTON DEANE BOROUGH COUNCIL

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

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

Grid Reference: 323355.126801 Outline Planning Permission

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## Recommendation

**Recommended decision: Conditional Approval** subject to a Section 106 to secure the play provision contribution and maintenance of any off site parking and street trees.

### Recommended Conditions (if applicable)

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

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

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

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

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

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

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

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

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

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

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

Reason: To protect and accommodate wildlife.

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

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

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

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

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

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

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

Reason: To ensure the adequate provision of drainage infrastructure.

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

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

#### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
3. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should

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

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

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

## **Proposal**

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

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

## **Site Description**

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

## **Relevant Planning History**

None

## **Consultation Responses**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The Highway Authority has the

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

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

### **Traffic Impact**

A revised Transport Statement (TS) has been submitted in support of this outline application. The TS considers the redevelopment project as a whole, identifying the likely impact of a total development of 276 dwellings to replace 212 existing structurally defective properties, together with a 157m<sup>2</sup> community facility.

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

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

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

### **Travel Plan**

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

### **Parking**

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

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

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

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

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

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

## **Highway Works**

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

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

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

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

## **Other**

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

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

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

## **Conclusions**

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

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

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

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

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

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

- Approval of the details of the means of access to the site shall be obtained in writing from the Local Planning Authority;
- A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site;
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation of any dwelling hereby approved and thereafter maintained at all times
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site, with appropriate links through the site boundary to the existing external network, in accordance with a strategy and scheme to be submitted to and approved in writing by the Local Planning Authority;
- Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied;



No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

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

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

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

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

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

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

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

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

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

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

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

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

#### *ENVIRONMENT AGENCY – initial comments*

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

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

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

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

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

#### *Further comments*

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

**CONDITION:**

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

**REASON:** To prevent the increased risk of flooding

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

**REASON:** To prevent the increased risk of flooding.

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

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

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

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

Findings were as follows:

**Protected Sites**

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

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

**Habitats**

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

## **Bats**

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

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

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

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

## **Birds**

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

## **Badgers**

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

## **Reptiles**

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

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

## **Water Voles**

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

## **Otters**

No evidence of otters was found.

## **Hedgehogs**

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

## **Suggested Condition for protected species:**

The development hereby permitted shall not be commenced until details of a

strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Encompass Ecology Ltd's submitted report, dated December 2018 and further survey and include:

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

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

Reason: To protect and accommodate wildlife.

#### **Informative Note**

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

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

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

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

*WESSEX WATER* - No comment

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

*POLICE ARCHITECTURAL LIAISON OFFICER* - No comments

*SOUTH WESTERN AMBULANCE SERVICE* - No comments

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

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

*HOUSING STANDARDS* - No comment

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

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - No comment

*OPEN SPACES MANAGER* - No comment.

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

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

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

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

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

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

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

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

*SCC HERITAGE TRUST* - No objections on archaeological grounds.

## *DESIGN REVIEW PANEL* - SUMMARY OF KEY RECOMMENDATIONS

In summary the main recommendations of the Panel are :

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

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

## **Representations Received**

5 Objections on the grounds of

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

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.



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

## Local finance considerations

### Community Infrastructure Levy

Creation of dwellings is CIL liable.

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

Proposed development measures approx. 21,000 sqm.

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

### New Homes Bonus

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

#### *1 Year Payment*

Taunton Deane Borough	£47,479
Somerset County Council	£11,870

#### *6 Year Payment*

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

## Determining issues and considerations

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

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

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

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

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

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

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

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

**Contact Officer: Mr G Clifford**



38/19/0008

MAGGIES

## **Erection of a two storey cancer caring centre on land to the edge of the playing field adjacent to Musgrove Park Hospital, Taunton**

Location: THE ESTATES OFFICE, MUSGROVE PARK HOSPITAL, TAUNTON,  
TA1 5DA

Grid Reference: 321296.124216

Full Planning Permission

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## **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:

(A1) DrNo 2378\_PL\_001 Location Plan  
(A1) DrNo 2378\_PL\_011 Site Plan Proposed  
(A1) DrNo 2378\_PL\_101 Ground Floor Plan  
(A1) DrNo 2378\_PL\_102 First Floor Plan  
(A1) DrNo 2378\_PL\_103 Roof Plan  
(A1) DrNo 2378\_PL\_201 Long Section Proposed  
(A1) DrNo 2378\_PL\_202 Cross Section Proposed  
(A1) DrNo 2378\_PL\_301 South Elevation Proposed  
(A1) DrNo 2378\_PL\_302 East Elevation Proposed  
(A1) DrNo 2378\_PL\_303 North Elevation Proposed  
(A1) DrNo 2378\_PL\_304 West Elevation Proposed  
(A0) DrNo 587\_PL02 Proposed Plan General Arrangement  
(A0) DrNo 587\_PL03 Existing Plan Tree Species  
(A0) DrNo 587\_PL04 Proposed Plan Tree Works & Demolition

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

3. Prior to the construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

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

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

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

5. Prior to the Maggie's centre being brought into use the new play area and realignment of the sports pitches shall be carried out.

Reason: To ensure suitable play and sports facilities are retained for public use.

6. No pedestrian access shall be allowed between the site and playing field unless for emergency purposes.

Reason: To ensure parking and access from the hospital site.

7. The applicant shall undertake all the recommendations made in First Ecology's Preliminary Ecological appraisal report dated September 2017. 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.

Reason: To protect wildlife.

#### Notes to Applicant

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

## Proposal

The proposal is to provide a modern two storey building as a cancer care centre on 0.185ha of land adjacent to Musgrove Park Hospital on land that forms the edge of Galmington Playing field. The brief was to create a building to feel safe and welcoming as well as to raise one's spirits by being stimulating and well-designed. An access will be created to the hospital grounds from where the site will be accessed and serviced with links to hospital car parks, the oncology ward and Beacon Centre. An extensive landscaping scheme is proposed as part of the proposal as well as the funding of a replacement children's play area. The scheme proposes a high quality building and is supported by a heritage appraisal, ecological appraisal, arboricultural assessment and a flood risk assessment.

A site appraisal was carried out as every Maggie's has to be easily accessible from the related Oncology Ward. Sites considered were all within 100m radius of the Beacon Centre. Freeing up any alternative site in the immediate vicinity of the Beacon Centre would require excessive demolition and alterations to the hospital operation. The site chosen therefore will have easy access to the reception of the Beacon Centre while limiting impact on recreation.

## Site Description

The site lies on the edge of Galmington playing field and consists of a grassed area and a children's play area for the under 5's with limited equipment and there is a current hedge and fence boundary with the hospital to the north. Parkside Ward at the hospital lies to the west while the sports pavilion lies to the east. The nearest dwelling lies over 40m to the west.

## Relevant Planning History

None

## Consultation Responses

*COMEYTROWE PARISH COUNCIL* - Comeytrove Parish Council discussed this application in some detail at their March meeting as the Playing Field is close to their boundary and is used by residents from within the Parish. As such, the Council wish to make the following comments:

1 We object strongly for the Playing Field, which is a public open space, to be used for any other purpose than what it is intended for, ie public amenity, sports and recreation.

2 We are very surprised and disappointed at the lack of consultation from Taunton Deane Borough Council as the Planning Authority, with local residents and with us as an adjoining Parish Council who would normally be consulted on such applications.

3 Taunton has been designated a “Garden Town” status and should be protecting all such open spaces. Once they are gone they are lost forever, and this space is increasingly valuable given the urban growth that surrounds it and the lack of other open space in close vicinity. To lose any part of this precious area is at odds with the Garden Town concept and the virtues Taunton Deane purports as important in its case for gaining the status.

4 We feel that Musgrove Park Hospital has reached saturation point in respect to its site and footprint, and has effectively exceeded it with the significant level of expansion in recent years. There needs to be detailed discussions with all parties, including the new Somerset West and Taunton Council as the Planning Authority, on any future building on the site, to plan for the long term rather than the piece-meal approach to building on the site. There should be real and progressive planning which, given the exhausted capacity for any further new build, should look to other sites around the Deane for any future unit growth of the hospital’s facilities and capability, and any supporting facilities it may require. It is not in the hospital’s interest as an effective centre of health treatment and care or the interests of residents in the surrounding area that ‘more of the same’ short-sighted approach continues. There has to be a proper strategic plan that extends beyond the site if it is to go forward as a centre of excellence, or even simply meet the increasing demands expected of it.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to standing advice.

*WESSEX WATER* - No comment.

*TREE OFFICER* - No objection from me on this one – looks like a good scheme. The trees and (predominantly elm) hedge to be removed are not significant, and there is to be a comprehensive scheme of new planting, as shown on the plans.

*LANDSCAPE* - I have no landscape objection to this proposal. The new landscape scheme for the area looks good.

*BIODIVERSITY* - First Ecology carried out a Preliminary Ecological appraisal of the site in September 2017. Findings were as follows

**Habitat** - The site comprises of 13 standard phase 1 habitat types including a native species rich hedgerow with trees. If partial or complete removal of this hedgerow is unavoidable then a replacement hedge should be planted to preserve biodiversity.

**Bats** - No signs of bats were found on the external elevation of the sports pavilion. However numerous crevice roost features were identified during the survey. It is understood that the development will not impact on the sports pavilion so no further survey or mitigation for bats is required.

**Birds** - The surveyor found no active or inactive bird nests within the hedgerow or



on the exterior of the sport pavilion. However vegetation should be removed outside of the bird nesting season

**Reptiles** - The Galmington playing fields provide potentially suitable habitat for slow worm in the area of tall ruderal vegetation or spoil heaps along the southern boundary of the playing fields. It is understood that the development will not impact on this area

**Condition for protected species:**

The applicant shall undertake all the recommendations made in First Ecology's Preliminary Ecological appraisal report dated September 2017.

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.

**Reason:** to protect wildlife.

**Informative Note**

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation All British birds (with exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally, this will be from April until September.

**SPORT ENGLAND** - It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy, which states:

***'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:***

- ***all or any part of a playing field, or***
- ***land which has been used as a playing field and remains undeveloped,***  
***or***
- ***land allocated for use as a playing field***

***unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'***

Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 (E3) of our playing fields policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

This being the case, Sport England **does not wish to raise an objection** to this application.

However, we would advise that The Football Foundation on behalf of the FA advise that on the scaled map provided (587\_SK\_22\_CGalmington) it should be noted that the applicant has suggested a run-off area of 2.7m, however have allowed 1.8m for a respect area and 5.5m for a walk way so should be fine to extend the run-off round the perimeter of the pitch to 3m as highlighted below.

We would ask that the applicant considers the FA recommended pitch sizes which are outlined below: -

- Mini-Soccer U7 and U8 (5v5) 37 x 27m (43 x 33m including safety run-off area )
- Mini-Soccer U9 and U10 (7v7) 55 x 37m (61 x 43m including safety run-off area)
- Youth U11 and U12 (9v9) 73 x 46m (79 x 52m including safety run-off area )
- Youth U13 and U14 (11v11) 82 x 50m (88 x 56m including safety run-off area)
- Youth U15 and U16 (11v11) 91 x 55m (97 x 61m including safety run-off area)
- Youth U17 and U18 (11v11) 100 x 64m (106 x 70m including safety run-off area)
- Over 18 and Adult (11v11) 100 x 64, (106 x 70m including safety run-off area)
- Run-off:
  - A minimum safety run off 3m must be provided.
  - Run off areas must be free from obstructions and be of the same surface as the playing area.
  - The site operator must undertake a risk assessment to ensure that the run off area is safe and does not pose a risk of injury to a player or spectator. This would include structures immediately outside this 3m area.

We would recommended that the applicant continues to work with Somerset FA and the site's partner club Galmington Dragons FC to ensure that the pitch sizes meet the FA recommended pitch size as above.

*SCC HERITAGE OFFICER* - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

*ENVIRONMENT AGENCY* - No comment.

## **Representations Received**

**District Cllr Farbahi** requests the application is considered by committee.

**District Cllr Floyd objects** : The proposed building is entirely out of keeping with the surrounding environment, it would dominate with its raised position and block out views to the Quantocks enjoyed by the thousands who use that space.

Parking. Recommendation 3.1.2 suggests that Maggie's have considered this. This has not happened. The loss of 12 spaces for Fire Access Purposes will add more strain on the nearby streets which sees regular conflict over parking between residents and NHS staff.

These issues have created flash points where waste collections are missed due to access problems and even emergency vehicles have been unable to get to where they are needed due to these issues.

Furthermore, it will impact on those travelling from afar for recreational purposes, particularly visiting football teams which will again add issues to nearby streets.

Disruption: During the building of the Beacon centre and the new building, residents endured months of misery with subcontractors parking nearby, this will occur again during this build.

Covenant: This covenant must not be removed. Whilst some far flung relative may sanction it, we as a community have not had the power of recourse to ask them not to lift it. Therefore, this should be null and void as a permission.

Fields in Trust/ Community Asset Transfer: Hamilton Park was placed into this and Galmington Playing Fields should have been too. I call upon Taunton Deane to protect this space for all or to consider a Community Asset Transfer if they feel they can no longer care for it.

Conflict of Interest: How can Taunton Deane be the trustee, landlord and planning authority on this matter? This is a massive conflict of interest and needs to be heard before a Property Tribunal.

Climate Crisis: Taunton Deane have recently declared a climate crisis, how can

building on green spaces address this?

Garden Town: How does building on Green Spaces fit in with the Garden Town status or planning frameworks associated with that?

Consultation: There has been a very limited amount of consultation with residents. If this was challenged I fail to see how the council could demonstrate that meaningful consultation had taken place.

Delegated Powers: This application is too important for delegated power, and as a local district cllr I request it is referred to the planning authority.

**County Cllr Hunt** - On the face of it this of course should be welcomed. However the application is asking that an area of Galmington Playing Field is taken from the people who own it, the people of Taunton. The field was a deed of gift to the people by the former Taunton MP, Brigadier Andrew Hamilton Gault in 1931. It was given for the provision and maintenance of a recreation ground for the community as a whole. Not for the building of a car park, a Maggies Centre or anything else that isn't related to the Brigadier's wishes in his kind gift to us all. The problem is, if the application is upheld does this then open the floodgates? Will it mean that not only will this green public area be reduced or lost altogether, surely it'll set an unwanted precedent, thus making none of our parks and green public spaces safe from development. Is Taunton a Garden Town or not? Due to my support of a Maggies Centre in Taunton, it is with a heavy heart that I must ask the TDBC planners to turn down this particular application and at the same time ask that the new Somerset West and Taunton District council work with the team from Maggies, to find a suitable alternate location in our County Town. Perhaps I could suggest, one that isn't taking large chunks out of a community Playing Field. Last Friday, I spent around 3 hours at Galmington Playing Field and would like to thank the many people who gave up their time to speak to me and share their views on this planning application. Almost all those I spoke with were very much against this application, in fact only one person was in favour out of the 50-60 I spoke with.

A petition with 177 signatures against has been received

60 letters of objection on the grounds of

- Park and should not be built on
- Park regularly used and loss of recreational space
- Area heavily used by all ages
- Loss of play area
- Loss community facility
- Loss of amenity
- Building out of keeping and will block views
- Should encourage physical activity and reduce ill health
- Should use brownfield site
- Proposal could be built anywhere in town
- Should be no access to park
- Traffic impact

- Implications for safety and traffic congestion
- Loss of trees hedgerow and habitat
- Little consultation
- Space protected by covenant
- Building on land left to the people of Taunton
- Conflict of interest as Taunton Deane is a trustee of the charity
- Goes against promotion of participation in sport
- Proposal goes against health advice
- Parking problems in area and would worsen
- danger to pedestrians and children playing due to traffic
- inconsiderate parking may cause a risk to life if fire engines and ambulances cannot park
- Precedent
- Trustees do not have the legal right to use, sell or lease any part of the land for any purpose not relating to the objects of the charity
- Limited staff numbers questioned
- Disruption due to construction with increase in machinery and large transport vehicles in the building of the project

1 letter of support on basis that it is appropriately sited, of good design and would benefit the area

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

CP5 - Inclusive communities,  
 CP8 - Environment,  
 DM1 - General requirements,  
 SD1 - Presumption in favour of sustainable development,  
 C3 - Protection of recreational open space,  
 D7 - Design quality,  
 ENV2 - Tree planting within new developments,  
 I4 - Water infrastructure,

## **Local finance considerations**

### **Community Infrastructure Levy**

N/a

## **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 main issues for consideration with this proposal are the impacts of the scheme on residential amenity, parking, design and the protection of the playing field use.

The proposal is to provide a health related community facility that will provide additional cancer care facilities in close proximity to the hospital where space to extend is very restricted. The proposal is therefore considered to comply with policy CP5 of the Core Strategy. The new building is set to the north east and east of existing residential properties and while the building will be visible from the nearest of the properties at a distance of over 40m there is not considered to be any adverse impact in terms of loss of privacy, overshadowing or other amenity impacts.

The development will be accessed via the existing hospital site and car parks and there will be no direct access to the playing field from the centre, unless for emergencies, which would be a condition of any approval. This will safeguard the fear of people parking and taking a short cut through the site to access the hospital. A disabled drop off point will be provided within the hospital site close to the access. Given the scale and nature of the development there is considered to be adequate existing parking within the hospital site to cater for the use.

The design is considered high quality and is by an established architect and is reflective of the quality of other such centres. The development is an 'X' shaped plan surrounded by landscaped courtyards. The building is orientated to the south to make the most of views and sunlight. The development includes green roofs on the lower sections and photovoltaic panels on the main central roof section. Externally it is intended the building will have aluminium cladding with large areas of clear glazing. The building will be constructed on mini-piles to allow for the appearance of the building floating and help allow for provision of a sustainable drainage system.

The siting of the development lies on an existing playing field and as such consultation with Sport England is required. Policy C3 of the Site Allocations and Development Management Plan seeks the protection of recreational open space. The development in policy terms would retain the playing pitches and would enable the provision of a new children's play area thus enabling a community benefit greater than the long-term recreational value of the recreational facility that would be lost. It is therefore considered to comply with policy C3. In addition Sport England do not raise objection as it is considered that the development would not reduce the sporting capacity of the playing field to accommodate playing pitches.

The covenant and ownership issues are not planning matters that can be considered in the determination of this application and the issue has to be considered in terms of planning policy. The development is limited in its extent and does not set a precedent for future development elsewhere. The access, parking and servicing is

through the hospital site and the development will not result in the loss of playing field pitches. While the proposal will result in the loss of a children's play area the developer will fund a new play area. The development is a high quality design and is not considered to harm the residential amenity or wildlife in the area and subject to appropriate conditions is recommended for approval.

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

**Contact Officer: Mr G Clifford**





49/18/0045

WEST OF ENGLAND DEVELOPMENTS AND SUMMERFIELD DEVELOPMENTS  
(SW) LTD

**Outline planning application with all matters reserved for the erection of up to 94 No. dwellings and 9755sqm of mixed use light industrial units with associated works and access on land at Sandys Moor, Wiveliscombe**

Location: LAND AT SANDYS MOOR, WIVELISCOMBE

Grid Reference: 308788.127625

Outline Planning Permission

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## Recommendation

**Recommended decision: Conditional Approval** subject to a Section 106 to secure the development of industrial buildings and servicing of employment land; travel plan; children's play provision; and affordable housing, the application be delegated to Officers to determine.

### Recommended Conditions (if applicable)

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

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

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

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

(A3) DrNo P003 Location Plan

(A2) DrNo P002 Existing Site Plan

(A2) DrNo P004 Framework Indicative Masterplan

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

3. Plans and particulars of the reserved matters referred to in condition (01) above shall include details of:
- (a) the provision to be made for garaging and parking of vehicles within the site.
  - (b) the space to be provided for the loading, unloading and turning of vehicles within the site.
  - (c) the hard and soft surface treatment of any roadways and other parts of the site which will not be covered by buildings.
  - (d) all external materials to be used in the development.
  - (e) space to be provided within the site to accommodate (i) parking the vehicles of site personnel, operatives and visitors; (ii) loading and unloading of plant and materials; and (iii) storage of plant and materials used in constructing the development.
  - (f) the redesign of the existing access to the B3277 to accommodate the traffic to the sewage treatment works.
  - (g) vehicular access to the sewage treatment works
  - (h) existing and proposed ground and floor levels.
  - (i) noise and odour reports from existing sources (including the former abattoir and the sewage treatment works)

Reason: This is an outline permission and these matters require detailed consideration by the Local Planning Authority.

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

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

5. No work shall commence on the development hereby permitted until details of the proposed accesses off Sandys Moor to the site and to the sewage treatment works been submitted to and approved in writing by the Local Planning Authority. Such works for each access shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, prior to commencement of the development and shall thereafter be retained in the approved form.

Reason: In the interests of highway safety.

Pre-commencement reason ; to ensure the construction of the development does not interrupt access to the sewage treatment works.

6. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with

the approved plan. The plan shall include:

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

Reason; in the interest of highway safety

Pre-commencement reason; to ensure highway safety in all stages of construction

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

Reason: In the interests of highway safety.

Pre-commencement reason; to ensure safety of the highway during all construction stages.

8. 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.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

10. 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.

Reason: In the interests of highway safety.

11. From the proposed residential access onto Sandys Moor there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the access is brought into use and shall thereafter be maintained at all times.

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

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

Reason: In the interests of highway safety.

13. 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.

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.

14. Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary. Mon-Fri 0800 hrs to 1800 hrs Sat 0800 hrs to 1300 hrs. At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.
15. No development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

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

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

This must be conducted in accordance with DEFRA and the Environment

Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

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

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

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved

remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

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

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development.

Reason for pre-commencement: It is necessary to fully investigate the potential for contamination before the site is disturbed by development works.

16. All existing hedgerows and trees bordering and within the site to be retained shall be fully protected by fencing prior to any works taking place. During the period of construction of the development the existing soil levels around the base of retained hedgerows shall not be altered. Specific measures to protect all retained hedgerows intended to be within gardens shall be submitted to and agreed in writing as part of the detailed landscaping measures to be submitted as part of the application for Reserved Matters approval.

Reason: To ensure that wildlife is not prejudiced by the development hereby permitted and that future provision is made to ensure the protection of such hedgerows.

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

(ii) The scheme shall be 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.

18. 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 Blackdown Environmental's Preliminary ecological appraisal dated June 2018 and **updated surveys as listed in 5.4 of the report** and include:

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works and thereafter the resting places and agreed accesses for species name shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses has/have been fully implemented

Reason: To protect species name and their habitats from damage.

Reason for pre-commencement; To ensure protection of wildlife during all stages of construction.

19. No business operations shall take place within the site outside the hours of 7.00hrs – 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.

20. Prior to any business use commencing within any building, details regarding the use class of that building shall be submitted to and approved in writing by the local planning authority. No other uses shall take place in that building without the prior express grant of planning permission

Reason: To protect the amenity of nearby residents.

#### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The provision of the access off Sandys Moor will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.



3.
  1. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
  2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
  3. Bats may be roosting in trees on site.  
The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2017. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.  
NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

## **Proposal**

Outline planning permission is sought for a mixed use residential and light industrial development. The scheme proposes 3.75 ha to be used for residential use to provide up to 94 dwellings and 2.92 ha to be commercial use class B1/B2/B8. The application includes improvements to the existing access.

All matters are reserved for future consideration as a Reserved Matters application.

## **Site Description**

The site comprises 6.67 ha of gently sloping agricultural land sited to the east of Wiveliscombe. The application site contains the allocated employment site of 4.5 ha plus land to the west.

The application site currently appears as two fields. The land to the west is partly agricultural land but is no longer being farmed/managed and part is in use as a car park for adjoining industrial units. The western field is in use as arable farmland use. An existing access track runs north to south down the middle of the site, providing access to the sewage treatment works. There are some existing trees and hedges within and bordering the site.

The B3277 (main route to Taunton) runs along the northern boundary of the site. Agricultural land lies to the east and south of the site and there is industrial land to the west and south. The sewage treatment works (STW) are sited further south of the site, beyond the industrial land.

## Relevant Planning History

49/13/0025 - Locked rehabilitation unit (C2) and a 28 bedroomed low secure facility (C2a) with associated access and works conditional approval; Extant

49/16/0047 Non-material amendment to Condition No 07 of planning consent 49/13/0025 to allow for setting out of road and building in accordance with submitted setting out drawing and tree protection plan. Approved

49/14/0050 – Outline application for the change of use of agricultural land to uses class B1, B2 and B8 on land to the south side of the B3227 - Conditional approval; Consent expired

## Consultation Responses

*WIVELISCOMBE TOWN COUNCIL* – The Town Council objects to this application:

The application does NOT fall within the core strategy. CP 4 sets out the number of dwellings to be delivered between April 2011 and March 2028 after the deduction of completions to date Core Strategy Policy. Wiveliscombe has already built more than 45% of the required houses and as another 140 houses on allocated sites to be built in the plan period. The site constitutes an allocation retained from the Local Plan. It is required to ensure Wiveliscombe, and its rural hinterland, has enough employment land to meet future requirements. Wiveliscombe is identified in the Core Strategy policy SP1 as a Major Rural Centre. As a sustainable development location, it offers a balance of employment, services and facilities for the wider rural community to warrant further employment growth. Sandys Moor has not been allocated for housing in the Local Plan and the site should be retained for business use only. The developers claim that housing should be allowed because business-use applications have not been made for the site. However, at the current time, planning permission has been given at Sandys Moor for: a new Enterprise Centre, which is due to be built soon; new business-use applications have been submitted and approved for Sandys Moor. Mix use of the site will lead to the conflicts that now arise on the ford road industrial site with the complaints about noise, smells and lorry movements. In the original local plan, the site was allocated B1, B2 and B8 use. This application suggests any business use will be reduced to B1 and B8. This will have a serious impact on new business use in Wiveliscombe. Containment of this site would be difficult to achieve, since it is separated from the settlement by former railway line. Site is relatively poorly related to services and facilities in the centre of the Town. Infrastructure in Wiveliscombe, including schools, doctor's surgery and parking, is already under pressure and this would increase with additional housing on top of the amount already planned. Government policy recognises, the need to plan proactively to support business growth, which is supported through Core Strategy policy CP2. This policy also establishes a presumption against the loss of employment land or buildings unless the overall benefit outweighs the disadvantages of its loss. In addition, Policy EC1 of the SADMP provides flexibility for additional employment generating activity within employment areas. The residential healthcare facilities approved on part of this site in 2013 is therefore consistent with this policy approach. The major reduction in the bus service to Taunton makes it more difficult for workers to travel to and from work without a car. No bus before 7.30am, last bus from Taunton 5.30pm, buses on

every 2 hours in the day. No bus service on Sunday, no bus service to Wellington. The housing would lead to an increased reliance on the use of cars and increase in carbon emissions, making it unsustainable and not supporting the travel plan. The roads and centre of Wiveliscombe are already congested with traffic with limited parking and need improving before further development takes place in the town.

The 25% low cost housing being mainly two bedroomed as we have evidence from Magna Home applications and our own survey of the need for 3 bed family homes. We get complaints from the homes on Station road, Nordens Meadow about the odours from the sewage work on a regular basis. This site is much closer. Removal of the attenuation pond by the old pig plant may lead to flooding. Removal of the car parking by the old pig plant may lead to lack of parking on that site.

#### *SCC - TRANSPORT DEVELOPMENT GROUP –*

The applicant has since produced a Technical Note as part of the amended plans in further support of the application which has been assessed by the Highway Authority. The uncontrolled pedestrian crossing at the mouth of this access appears acceptable subject to agreeing the design detail. However, no other pedestrian/cycle crossings/visibility splays appear to of been provided. The applicant has provided a swept path analysis (Drawing No:18027-001 A) of an 11.2m refuse vehicle (scale 1:500) entering and egressing from the residential access off Sandy's Moor. As mentioned in our previous comments, the Highway Authority would expect a suitable swept path analysis of an 11.4m refuse vehicle on a 1:200 scale to be demonstrated. It is to our understanding that this is the standard size Somerset Waste Partnership use. It is therefore advised that the applicant contact the local waste management company to understand what size refuse vehicle would be likely to service the site. The applicant has submitted a revised visibility splay of 2.4m x 43m in both directions to the nearside carriageway edge from the proposed residential access as advised previously by the Highway Authority. Drawing No: 18027-002 A, demonstrates a forward visibility of 43m around the curvature of Sandy's Moor towards the proposed commercial site entrance. The dimensions of this are considered acceptable by the Highway Authority and recommended to be provided and maintained at all times. A review of the Framework Travel Plan (FTP) within the Technical Note shows that most Travel Plan requirements have been addressed. However the following still remain outstanding for the applicant to note and amend:

The TP needs to demonstrate that the additional trips generated by the development as set out in the TA will be offset by a reduction in SOV use and an increase in sustainable modes. The measures proposed in the FTP must be robust enough to achieve this. Census data for both residential and employments sites can be found as attached for the applicants convenience (With reference to 4.2.4 in the FTP) Provide detail of what facilities are available at the nearest bus stop. e.g. shelter, timetables etc. (With reference to 3.13) Ground anchors should be available up to 3 tenures over 5 years. (With reference to points 7.3 and 7.6 in the FTP) It should be amended to commit to undertaking first survey at 80% occupation and annually thereafter for 5 years. Targets have not been set as per SCC Travel Planning Guidance. The targets need to be realistic and clearly relate to the findings of the Site Audit/Accessibility Audit and the proposed measures and have been informed by the Census data 2011 at ward level for both residential and

employment. Census base line data and projected five year figures should be provided for both residential and employment separately. Please see Excel spread sheet attached for information. The applicant should also note the following: (With reference to 6.3 in the FTP) The 'Moving Forward' website no longer exists, please refer to <http://www.somerset.gov.uk/policies-andplans/plans/new-developments/> (With reference to 6.16 in the FTP) carsharesomerset.com no longer exists. Please refer to liftshare.com. The applicant has not clarified how access to the existing Sewage Treatment Plan will be maintained. It is important that this is addressed by the LPA prior to any planning decision being made. With the above in mind, there will be alterations existing public highway and these will require the applicant to enter into a suitable Licence/Legal agreement with the Highway Authority. A suitable Travel Plan will need to be agreed in full and secured in the S106 prior to the commencement of any works at the site. If the LPA are minded to grant planning permission, it is recommended that the following conditions are attached:

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

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

No part of the residential development hereby permitted shall be first occupied until the proposed access off Sandys Moor has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

The 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;

From the proposed residential access onto Sandys Moor there shall be no obstruction to visibility greater than 600millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside

carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

The development hereby permitted shall not be first occupied until an agreed number parking spaces for the development have been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

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.

Prior to first occupation of the development hereby permitted, access to covered cycle, motorcycle and electric vehicle charging points shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

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

The 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;

No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;

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;

No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- o Construction vehicle movements;
- o Construction operation hours;
- o Construction vehicular routes to and from site;
- o Construction delivery hours;
- o Expected number of construction vehicles per day;

- o Car parking for contractors;
- o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- o A scheme to encourage the use of Public Transport amongst contractors; and
- o Measures to avoid traffic congestion impacting upon the Strategic Road Network.

*Note*

*The applicant will be required to secure appropriate Licence/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.*

**WESSEX WATER –**

**Development in proximity of a Sewage Treatment Works**

The proposed development is in proximity of the Wiveliscombe Hillsmoor Sewage Treatment Works (STW) and lies within the consultation zone for risk of odour emissions that could affect residents amenity. We have reviewed our records and previous odour risk assessments for this area, and have concluded that this development is at low risk from odour nuisance. Further odour assessment is not required, however should proposals change, we request that we are re-consulted.

**Access to Hillsmoor Sewage Treatment Works**

The applicant intends to develop areas that include our access road to the Hillsmoor Sewage Treatment Work (STW). The existing access road off the B3227 is used to provide statutory services for sewage treatment 24 hours a day and we have concerns that proposed development and construction works will impede the existing access route and disrupt operational activities that maintain public services.

We understand that the developer intends to remove the northern section of our access road, where it runs through the proposed residential area, and re-direct Wessex Water vehicles to the local roundabout and along Sandy's Moor, re-joining the current access route between industrial units A and B. It is essential that any proposal to re-route our access road ensures that unrestricted vehicular access to the STW is maintained at all times; the proposed scheme must not impede the frequency of Wessex Water vehicle movements 24 hours a day. We are also concerned that the developer is promoting a working section of the access road (between proposed industrial units A & B) as a pedestrian route. For us to consider the revised access route we would expect to see the following requirements as a minimum:

- Wessex Water's 24 hour operational and maintenance activities both inside and outside the STW must not be impeded or restricted due to the construction of the proposed scheme or thereafter.
- The access route using Sandy's Moor must be designed to accommodate the vehicle turning movements of the largest articulated vehicles using our STW site.
- The access route using Sandy's Moor should be of sufficient width to allow the largest vehicles the ability to safely pass oncoming traffic or parked vehicles.

- A new junction off Sandy's Moor (adjacent to proposed industrial Unit A) is required to connect to the existing access (this has not been clearly shown on the masterplan).
- In the interest of public safety the access road to the sewage treatment works must not be designated a pedestrian route and may require fencing.
- If there are any changes to Wessex Water boundary plans and fence lines these must be by agreement with Wessex Water.
- The Hillsmoor STW security arrangements must not be compromised during the construction of the scheme and thereafter.

### **Sewerage infrastructure**

The site shall be served by separate systems of drainage. In the absence of a foul drainage strategy to support the application we would advise as follows: There are no foul sewers in close proximity of the site and we consider a pumped connection direct to the sewage treatment works as a possible solution. An adoptable pumping station will require a 15m buffer zone to the nearest dwelling and satisfactory access arrangements. Wessex Water can provide network capacity for domestic foul flows from this development. The point of connection to the public foul network is by application and agreement with Wessex Water, who will adopt foul sewers through a formal agreement subject to satisfactory engineering proposals constructed to current adoptable standards. The applicant should contact our local development engineer, [development.west@wessexwater.co.uk](mailto:development.west@wessexwater.co.uk) to agree proposals and submit details for technical review prior to construction.

Surface water to be disposed of in accordance with Building Regulations Hierarchy and NPPF Guidelines with discharge to local land drainage systems. The outline drainage strategy considers the use of attenuation based SuDS to be feasible with a discharge to the ditch on the southern boundary of the site, which will require the approval of the Lead Local Flood Authority. 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

### **Water Infrastructure**

Our records indicate that there are no water mains adjacent to the site boundary. The nearest water main 125mm is recorded to the north west at Nordens Meadow. A water supply can be made available to the proposed residential development with new water mains installed under a requisition arrangement. Point of connection on the public network can be agreed upon receipt of a Section 41 Requisition Application The developer should consult the Wessex Water website for further information.

[www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnection](http://www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnection) s. Buildings above two storeys will require on site boosted storage. Water supply arrangements for the light industrial units can be assessed upon receipt of predicted demand rates.

### ***DRAINAGE ENGINEER – LLFA***

We have no objections in principle to this application, as the applicant has calculated the impact of the proposals on surface water, and has made provisions to manage the increase runoff through on site attenuation. Should the development be granted planning permission, we would expect to see more detailed surface

water drainage proposals come forward which address flood risk as well as providing wider benefits in terms of water quality, amenity and biodiversity benefits. We would expect these to be secured via an appropriate condition which would also cover any phasing (including interim drainage / construction phase), exceedance of the drainage system (a plan showing route and temporary storage areas), detailed calculations based on final layout as well as any maintenance and adoption proposals. The developer should consider a suite of SUDS features throughout the development, within the landscaped open space areas. It is important that any drainage infrastructure (including outfalls) can be easily accessed for maintenance, and that attenuation structures are designed to be safe.

### *ECONOMIC DEVELOPMENT –*

Whilst the proposal does include housing which reduces the size of the allocated employment this approach will bring forward the site. This housing will act to enable the site and is an effective way to deliver the funding that will be required to deliver the employment site. The applicant has indicated that the infrastructure to the employment site will be delivered early into the development and this is an important element of the application. We believe this new site is appropriately sized to support the business community in this area of Taunton Deane. The site itself will complement the planned enterprise centre and the existing units south of the proposed site. This application also includes a number of plots which are intended for freehold sale which is very uncommon in the Taunton Deane area and will be sought after by businesses. The application will also provide a mixed range of plots and potential employment units which will support and serve businesses across the broader rural area. This mix of units will enable move on accommodation from the proposed enterprise centre to be readily available to growing businesses so supports this area of the site.

*HOUSING ENABLING –* 25% of the new housing should be affordable homes, with a tenure split of 60% social rented and 40% intermediate housing in the form of shared ownership.

The type and size of the affordable housing units to be provided should fully reflect the distribution of property types and sizes in the overall development.

The initial mix is noted, however taking the Homefinder information for Wiveliscombe into account, along with the results of the recent Housing Needs Assessment, there appears to be a significant need for 1b2p accommodation, which we would seek in the form of maisonette style properties with their own access and garden area. There is also a number of people looking for 2b4p accommodation.

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

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

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



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

Due to the size and location of the scheme, there would be a requirement for a local connection clause in relation to the affordable housing. Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. Early engagement with the Housing Enabling Lead to agree the affordable housing provision is recommended. The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

#### *BIODIVERSITY –*

Blackdown Environmental carried out a Preliminary Ecological Appraisal of the site in June 2018 (Several surveys have previously been carried out on the land dating back from 2007) Findings of this latest survey (June 2018) are as follows

**Designated Sites** - There are four statutory designated sites located within a 5km radius of the survey site.

**Habitats** - The grassland on site was found to contain orchids, therefore consideration should be given to translocating species rich turf.

**Bats** - No buildings are located within the site and nearby industrial units to the west were considered to offer only low potential for bats. As at least ten species of bats have been recorded within 4km of the site, it is likely that bats use the hedgerows, woodland strip and ditches for foraging and commuting.

#### **I support the recommendation to carry out bat activity surveys on site**

Three Mature and semi mature trees on site, had features of potential value for bats and so should be retained. If this is not possible then specialist surveys, **including emergence surveys**, should be carried out on individual trees. If bats are found to be present in any tree, an EPS licence will be required to carry out work. Any proposed lighting for the development should be sensitively designed to minimise light spill on wildlife corridors. I support the surveyor's recommendation for the erection of bat boxes within the new development.

**Badger** – No evidence of badger was found during the survey. However I support the recommendation to carry out a badger survey prior to construction. The current heras fencing should be modified to permit access for badgers.

**Dormouse** - There are records of dormice within 2km of the site. I support the

recommendation to carry out a dormouse nest tube survey.

**Birds** - The vegetation on site is suitable for nesting birds. Any works to vegetation should take place outside of the bird nesting season. As the proposal includes the removal of a section of stream, the surveyor has recommended a kingfisher survey. I support the surveyor's recommendation for the erection of bird boxes.

**Otter** - No otter spraint was found during the survey but there are several wet ditches and streams which would allow otters to commute through the site. The proposal to remove a section of the wet ditch for the access road could impact on otters so I agree that this area should be checked for holts or layup areas prior to construction works

**Water voles** - The stream and wet ditches were heavily shaded so provided sub optimal habitat for water vole. However I support the recommendation to carry out water vole surveys to ascertain presence or absence.

**Great crested newt** - There are no ponds on or near the site which offer potential for great crested newts.

**Reptiles** - Areas of unmanaged grassland offer potential for reptiles. Reptile fencing was seen to surround the site to the west where a small population of slow worm was confirmed present. I support the recommendation to carry out further reptile survey

I suggest the following condition

**Condition for protected species:**

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 Blackdown Environmental's Preliminary ecological appraisal dated June 2018 and ,**updated surveys as listed in 5.4 of the report** and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
3. Measures for the enhancement of places of rest for, bats and nesting birds.
4. A CEMP( A construction and Environmental Plan ) and a LEMP ( Landscape and ecological management Plan)
5. Details of lighting

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

**Reason:** to protect and accommodate wildlife and their habitats from damage.

## **Informative Note**

1. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

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

3. Bats may be roosting in trees on site.

The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2017. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

## *LANDSCAPE –*

The proposal is an outline application for the erection of 94 dwellings and an area of light industrial units on land at Sandys Moor, Wiveliscombe. The 6.8 ha site consisted of a large arable field to the east bound by species rich hedgerows to the north and south with fencing and a track to the east and west. The western extent comprises unmanaged grassland and a disused car park. This area is bordered by ruderal vegetation and plantation woodland which forms a screen from the B3227. A fenced off disused reservoir is situated in the grassland.

**Landscape** - I am not convinced that this is the best layout for this proposal. I consider that alternative layouts should be explored to avoid the breach of the stream and woodland to accommodate the access road. I support the planting of a woodland strip separating the housing and the industrial units but would like to see this area of planting wider than shown. The development will be screened from the north and west by existing trees on site but I consider will be seen when approaching Wiveliscombe from the east so screening is also required from the east.

## *POLICE ARCHITECTURAL LIAISON OFFICER –*

**Crime Statistics** – reported crime for the area of this application (within 500 metre radius of the grid reference) during the period 01/07/2017-30/06/2018 is as follows:-

**Burglary** – 1 Offence (Business & Community)

**Theft & Handling Stolen Goods** - 1 Offence (interference with motor vehicle)

**Violence Against the Person** – 2 Offences (incl.1 causing harassment, alarm, distress)

**Total - 4 Offences**

This is a very low level of reported crime. ASB reports for the same period and area total 6, which is also a very low level.

**Design & Access Statement** – the DAS includes sections entitled ‘**Security**’ & ‘**Lighting**’, which refer to Safer Places and Secure by Design, and which indicates to me that the applicant has considered appropriate crime prevention measures in the design of this scheme. A number of points are made in these sections which I support and comment on further below:-

### ***Residential Development***

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

**Communal Areas** – communal areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to enable surveillance from nearby dwellings with safe routes for users to come and go. The public open space incorporating a LAP in the centre of the development appears to be fairly well overlooked by dwellings on three sides but less so from the west. In view of this, from a safeguarding children perspective, the proposed planting to the west of the LAP should be kept low to aid surveillance. The proposed footpaths through the green corridor and meadow/woodland area in the centre of the development should be kept as straight as possible, wide, devoid of potential hiding places and well maintained in order to enable surveillance along them by users.

**Orientation of Dwellings** – all the dwellings appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. The two blocks of dwellings in the centre of the development are also ‘back to back’, which is recommended, as this restricts unauthorised access to the vulnerable sides and rear of dwellings.

**Dwelling Boundaries** – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. Vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. This is particularly relevant in respect of the rear boundaries of the dwellings around the perimeter of the development backing onto hedges and fields. Gates providing access to rear gardens should be the same height as the adjacent fencing and lockable. Judging from the Masterplan, these recommendations would appear to be proposed.

**Car Parking** – is a mix of on-plot garages and parking spaces and two rear parking courtyards, the former being the recommended option. Rear parking courtyards are discouraged as they enable unauthorised access to the rear of dwellings which is where the majority of burglaries occur. Vehicles parked in such courtyards provide

multiple potential targets and are also more vulnerable to attack than those parked on-plot.

**Landscaping/Planting** – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. This is particularly relevant in respect of the green corridor and meadow/woodland areas in the centre and to the west of the development.

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

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

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

### **Commercial Development**

**Layout of Roads & Footpaths** – the single entrance/exit for motor vehicles and pedestrians has advantages from a crime prevention perspective in that it can help frustrate the search and escape patterns of the potential criminal. Routes appear to be visually open and direct and road surface changes would help differentiate public/private areas. Access control in the form of a rising barrier or similar at the entrance to the commercial area would prevent unauthorised vehicular access to this area outside normal working hours.

**Perimeter Security of Commercial Units** – all appear to be basically open-plan which enables easy unlawful access to individual units. An appropriate form of perimeter protection in the form of weldmesh fencing or similar is recommended in respect of these units, particularly to deter unlawful access to the side or rear.

**Motor Vehicle Parking** – all parking appears to be on unit forecourts in areas with good surveillance opportunities. The DAS states that secure motor/pedal cycle parking facilities will be provided either in the units themselves or in the form of stands/shelters on the unit forecourts, which is recommended.

**Landscaping/Planting** – as Residential comment above.

**Lighting** – as Residential comment above.

**Additional Security Measures** – at the detailed design stage, additional features such as cctv and intruder alarms for the individual units should be considered.

**Secured by Design Commercial** – if planning permission is granted, the applicant is advised to refer to the ‘**SBD Commercial Developments 2015**’ design guide and also the **Interactive Commercial Guide** available on the SBD website referred to above, which contain further detailed advice regarding the physical security of commercial developments.

#### *ENVIRONMENTAL PROTECTION CONTAMINATED LAND –*

##### **Re Contaminated land.**

The site appears to be mainly agricultural land, however, the area to the west has had other commercial uses, therefore, there is the potential for contamination to be present. A Ground Investigation report has been submitted with the application (Structural Soils August 2006). However, this was prepared for a previous application which did not cover the whole site (in particular it did not cover the western area) and also the report is 12 years old and does not follow current guidance. Therefore, I would recommend that a suitable investigation and risk assessment is carried out for the site. A condition that could be used is given below. If this is not put on this application then a suitable report should be submitted with any more detailed application before any work starts on the site. The developer should be aware that under the National Planning Policy Framework, where a site is affected by contamination responsibility for securing a safe development rest with the developer and/or landowner. If any unexpected contamination is found during site works the developer should assess any potential risks and carry out any appropriate remedial work. Compliance with the planning condition does not rule out future action under Part 2A of the Environmental Protection Act 1990, for example, if additional information is found concerning the condition or history of the site.

##### **Re Noise**

The development is for mixed residential and commercial uses (B1, B2 and B8 uses). B2 (industrial) and B8 (storage and distribution) uses generate high levels of noise and some of the proposed units are close to new residential properties so there is a potential for disturbance. Also, no hours of operation are included in the application. The developer should consider ways to avoid unreasonable disturbance to any residents. This could include restricting the use of the commercial units closest to the houses to B1 use only and avoiding the siting of noisy plant or equipment close to residential properties.

At other mixed commercial/residential developments a noise condition has been used as a way to limit the level of noise at residential premises. An example is given below.

##### **Noise/odour from existing industrial premises.**

The western part of the residential site is only 30m away from a commercial site with

B1, B2 and B8 uses (the old abattoir). There is the potential for future residents to be disturbed by noise and odours from activities on this site. The applicant should provide an assessment of the potential noise/odours that could come from the adjacent site and show that they are able to design the development so that residents will not be adversely affected by noise or odours. If the residential

development does get approval any future residents would be able to make complaints about the noise or odours from the adjacent site. These could be investigated by the Council as a potential statutory nuisance. If it is established that the noise/odour is causing a statutory nuisance the operators would be required to abate the problem. However, they can only be required to use best practice and the Council cannot stop them using the site for its' allowed use. There could be the situation where residents in the new houses are suffering a nuisance, but the Council is not able to take any action to resolve the problem. Therefore, it would be best to ensure that the planning process is used to ensure that this situation does not arise.

### **Condition re Contaminated Land.**

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

a) Site Characterisation

b)

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

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

- An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and

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

#### c) Implementation of Approved Remediation Scheme

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

#### d) Reporting of Unexpected Contamination

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

#### e) Verification of remedial works

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

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

#### f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved. All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

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



## **Noise Condition. Business units in mixed commercial/residential area.**

Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary. Mon-Fri 0800 hrs to 1800 hrs Sat 0800 hrs to 1300 hrs. At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

*SOUTH WEST HERITAGE TRUST* - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

## **Representations Received**

*TAUNTON DEANE SWIFTS* - We would urge the council to ensure that the developer incorporates Swift

Schwegler bricks and other bird and bat roosting/nesting bricks into the walls of the buildings at a frequency of at least 2 bricks in 50% of the buildings. This is an invaluable opportunity to support species such as starling, house sparrow and swift in the local area. UK populations of swift, house sparrow and starling have decreased significantly and every measure must be taken to make provision for nesting birds in the fabric of new buildings. This would also help to offset any habitat loss outlined in the Blackdown Environmental Ecological Appraisal. In a time of uncertainty for the future of our native flora and fauna, new builds must be consistently designed with bird and mammal life in mind if we are to address the decline in our native species. Nesting bricks are a relatively

inconspicuous and inexpensive strategy to cater for these threatened bird species and must be a staple ingredient of any new building design in Taunton Deane. We can offer advice regarding the siting of these bricks if necessary as incorrect siting can render any installations useless to birds and mammals

*WIVELISCOMBE CIVIC AND HISTORICAL SOCIETY* - The application should be refused for the following reasons

1. Core Strategy policy SD1 clearly states that where there are no relevant policies or a plan is out of date there is a presumption in favour of granting permission unless material considerations do not indicate otherwise. However, in this instance plans are not silent, are up to date and other material considerations indicate otherwise. In

particular:

- a) Core Strategy policy SP1 allocates "up to 200 new net additional dwellings" in Wiveliscombe. This has been achieved and many additional windfall sites have already taken the total above this;
- b) Additional development on the Sandys Moor sites (c94 plus) would seriously undermine the Development Plan strategy; an important consideration for Local Plan Inspectors in the Deane when rejecting sites in the past;
- c) SADMP policy EC1 would also apply. Residential is not a use permitted in the list of acceptable uses under this policy.

2. This site and the adjoining employment site is not a sustainable location for residential use, being a considerable distance from the centre and could thus prejudice development of the more sequentially acceptable locations allocated in the Development Plans. This has been stated to developers in the past by Officers at TDBC.

3. Additional land for residential will undoubtedly be more appropriately sought as other businesses from Ford Road relocate to Sandys Moor. This was a reason why Sandys Moor was allocated in the first place in the 2004 Taunton Deane Local Plan.

4. TDBC are currently fighting an appeal from Gladman against proposals to build 90+ houses north of Wiveliscombe. It would be totally inconsistent and prejudicial to allow one and not the other. A point Gladman will be sure to exploit at the appeal if a firm view is not expressed by TDBC against the Sandys Moor proposals.

5. Whilst not considered for residential use in the SADMP the Council's Sustainability Appraisal accompanying the Plan notes that the site is not accessible by foot, is 400 metres from the nearest bus stop, thus promoting the use of private car and proximity to industrial pollution, including a sewage works, which may impact on the health of workers. These concerns must therefore be greater for a 24 hour a day residential use. Further, the S.A. notes that the Gladman site at Langley Cross has a strong conflict with capacity of schools and distance to convenience stores. This would be equally the case with Sandys Moor and more so since distance to the primary school is greater than in the Gladman proposal as are parts of the site in terms of proximity to a convenience store for both car drivers and on known pedestrian routes.

6. In reply to the Civic Society's letter to Taunton Deane dated 7th July 2018 which raised these concerns, Tim Burton stated that there are other material considerations to consider. Determination of planning applications must be totally transparent. It is a very dangerous precedent to potentially approve an application utilising information not in the public domain and thus withholding the opportunity of an affected community to comment. Thus, from information in the public domain or summarised, we would draw these facts to your attention.

A). Paragraph 120 of the (2018) NPPF states that if allocated land is unlikely to come forward for development the LPA should reallocate as part of a plan update or deallocate. This proposal is thus premature in advance of a Plan update. Moreover, land at Sandys Moor is now being progressed for employment uses including a new Enterprise Centre, relocation of EPS Saws from Ford Road, a considerable expansion of Brendon Powerwashers and a relocation of a further business, AA

Tooling. Previous delays in progressing development here can to a large extent be attributed to the need for a second access due to restrictions placed by the then Abattoir and the global recession. The land was allocated in 2004 (prior to the global recession) at least in large part to assist relocation of employment uses on Ford Road, not for additional residential use, for which other and more sustainable sites were chosen.

B). Paragraph 120 of the NPPF also states that 'in the interim' of a Plan update alternative uses can be considered if it would contribute towards an unmet need for development. Again, this is not applicable. Paragraphs 5.2 to 5.11 of TDBC's Rule 6 Statement for the current Gladman appeal, also in Wiveliscombe, states that the Development Plan is up to date allocates sufficient sites and housing numbers for Wiveliscombe, that the Council's policies for housing are up to date, that it has a 5 year housing land supply plus buffer against both its adopted Core Strategy target and even more so against the government's new methodology of calculating housing need. Clearly housing need cannot thus be considered a factor in on this application either.

C). Neither can it be claimed that this site is required to contribute towards any identified affordable housing need which could not be met elsewhere locally. For example, the Town Council have recently identified at least two sites, more sustainably located towards the centre of Wiveliscombe that landowners are willing to release for affordable housing only schemes. Again, it is clear that any argument that a site is required to meet any identified affordable housing need cannot be considered a factor in this case either.

D). Supporting evidence with the application (Design and Access Statement) states that the proposal will deliver access and services to the boundary of the employment site thus ensuring that the employment site is available at the earliest opportunity. This is not enabling development since access to the existing employment area and thus presumably an element of services already exist at the northern entrance of the site (ie where the proposed housing is to be accessed), as it served the adjacent, previous occupiers. Employment uses can thus already be located in this area. Furthermore, as units are not to be built in advance, largely Design and Build to a high standard, rather than cheaper units more befitting to potential occupiers in this area and, often leasehold, any such employment 'take up' will be extremely slow and costly and cannot be relied on to happen on such terms.

E). Somerset County Council document Cabinet Member Decision Report dated 15 January 2018 refers to disposal of land and buildings at Sandys Moor. The document clearly states that the proceeds of sale are to be 'reinvested into financially supporting the delivery of services', i.e. to meet a budgetary shortfall. This is definitely

NOT a planning consideration and must not be considered a factor in determining this application, directly or indirectly. This appears to be the *raison d'être* for this application. To approve such an application with this factor in mind would totally undermine the legitimacy of the planning system and could lead to a challenge. If, although not stated anywhere, all of the proceeds of any land sale covers and will be specifically ring fenced to fund the construction and internal furnishings etc of the adjoining Enterprise Centre this may be considered a material consideration (and would fit the definition of 'enabling') but would need to be clearly stated, (which it isn't in any planning document), in the public domain and legally enforced. However,

when balanced against the conflict on all other matters referred to above it is the view of the local community that the application should still be refused and monies gained through the sale/rent of other land and buildings at Sandys Moor for employment purposes used to fund the Enterprise Centre along with any other funding sources such as exploration of loans to local authorities at reduced rates (for example as previously considered by TDBC and the cricket ground extensions). These are the only 'material considerations' that can be found in the public domain or 'guessed'. If there are others that the Council is aware of these should be published and the public specifically made aware of what TDBC will consider, so that the local community have an opportunity to respond prior to any decision being made. In order to protect the integrity of the planning system and officers, a recommendation for refusal of application 49/18/0045 can be the only course of action. If, for political reasons, the application is to be approved this must be through Planning Committee overturning the officers' recommendation for refusal.

*SOMERSET WILDLIFE TRUST* – In general, agree with findings of Ecological Appraisal and support proposals for further surveys and proposals for enhancements. Lighting should limit light pollution. Boundaries should be designed to allow free passage of small mammals.

7 Letters of OBJECTION on grounds of;

- Schools filled to capacity; proposals will add burden on infrastructure and resources such as schools/doctors/town car parks; the bus service only runs every two hours (Mon – Sat);
- Land is designated light industrial - Wiveliscombe does not need more houses;
- Degrade towns character and rural habitat;
- Employment land necessary for social and environmental reasons;
- Granting consent would increase the demand for employment outside of the site;
- Whole area should be developed for light industrial use;
- Public consultation event was poorly advertised;
- Ground investigation report seems out of date as was compiled in 2006;
- Development should not be referred to as "Manor" as there may be confusion in deliveries;
- Tree boundary to the east would shield development from livestock and make it more aesthetically pleasing.
- Noise and smell from farmland may affect residents;
- Proximity to sewage works and Brendon Power Washers may affect amenity;
- There is existing right of way to farmland to south of site
- Drainage should not affect adjoining farmland;
- Existing pipes and ditches may not cope with increase water volume;
- Increase in surface water may increase risk of flooding;
- Will proposal affect National Monument;
- Consideration should be given to speed limit of B3227;
- There is demand for employment land;
- Housing is in excess of local requirements;
- Travel study is inappropriate;
- Local Authority has demonstrated an inability to hold developers to their

- commitments;
- Development is contrary to policies SD1 and EC1 and undermines policy SP1 with no overriding material considerations;
  - The development seems to be shrouded in secrecy;
  - The proposals are too close to the industrial units and may be affected by noise and safety.
  - The Council should maintain some legal oversight of the site.

Representation – a micro nature reserve could be created with bat and bird boxes, hazel development for dormice, along with an already developing diverse plant and insect community.

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,  
CP1 - Climate change,  
CP2 - Economy,  
CP4 - Housing,  
CP8 - Environment,  
SP1 - Sustainable development locations,  
SP4 - Realising the vision for rural areas,  
DM1 - General requirements,  
C2 - Provision of recreational open space,  
A3 - Cycle network,  
A5 - Accessibility of development,  
I4 - Water infrastructure,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,  
EC1 - Other uses in employment areas,  
MAJ3 - South of Taunton Road, Wiveliscombe,

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of dwellings is CIL liable.

This is an outline development so no detailed plans but Framework Indicative

Masterplan submitted with application states dwellings are broken down as 30% 2 beds, 45% 3 beds and 25% 4 beds.

Using Residential Testing Assumptions this equates to a residential development of approx. 8180sqm.

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 £1,022,500.00. With index linking this increases to approximately £1,360,000.00.

### **New Homes Bonus**

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

#### *1 Year Payment*

Taunton Deane Borough	£101,432
Somerset County Council	£ 25,358

#### *6 Year Payment*

Taunton Deane Borough	£608,594
Somerset County Council	£152,149

## **Determining issues and considerations**

### **Principle of Development**

The site lies within the settlement boundaries of Wiveliscombe, which is designated under policy SP1 as a Major Rural Centre. Policy SP1 indicates that Major Rural Centres will provide the focus for essential facilities within rural communities, including an appropriate balance of housing provision, small scale employment and other local services. Under Policy MAJ3 of the SADMP the eastern section of the site (representing 4.5ha) is allocated for employment generating uses such as Class B1b, B1c and B8. The purpose of the allocation is to ensure that Wiveliscombe retains sufficient employment land to meet future requirements. It is acknowledged that Wiveliscombe is of sufficient size to warrant employment and housing growth. Whilst there are two other large sites identified within Wiveliscombe for housing allocations the application site constitutes the only allocated significant employment generating site. The provision of sufficient employment land is important to ensure local opportunities for employment in line with the objectives of sustainable development and assisting the self-containment of Wiveliscombe.

The planning history of the site identifies extant permission for residential development in the form of locked rehabilitation and low security facilities sited over 3 ha of the allocated part of the site. This is considered to be an employment generating use. The site is therefore appropriate for development, however development of the site has not been forthcoming. The lack of committed development on the site is of concern and consideration needs to be given as to how the Council can ensure deliverability of some employment generating uses.

In accordance with paragraph 120 of the NPPF the consideration of this application needs to reflect changes in the demand for land. In 2018 the Council undertook and published its Employment, Retail and Leisure Study. The review found that there is an oversupply of allocated employment land which may justify releasing some of the land on allocated employment sites to higher value uses in return for the servicing and sale of the remaining land for employment use. The review suggests that employment parcels should be at least 3 ha in size to ensure critical mass and market presence. In regards to this application the proposals would provide 2.92 ha employment land which would be sited next to the existing adjoining industrial land, sharing the same access off the B3277, providing an overall suitably sized area to function effectively in commercial aspects.

On balance it is considered that the loss of some of the employment land to housing may be acceptable in principle if it enables delivery of employment units. A suitable mechanism such as a S106 would need to secure deliverability. The Council's 5 year housing supply is not in question and it is not being deemed as justification for the development. The proposed density of the housing development over part of the site, resulting in up to 94 dwellings, is considered acceptable.

### **Residential amenity**

Nearby dwellings - The proposal is not considered to affect the residential amenities of nearby dwellings, all of which are sufficient distance away to not be affected by the proposals.

Amenities of future residents of the development – The appropriate design of the development though the approval of reserved matters can ensure the separation of the residential area from the industrial area, with appropriate landscaping to mitigate visual impact. Due to the proximity of the residential dwellings B2 uses only be acceptable on the very southern part of the site, away from the residential properties. A suitable condition will be required to control the Class B uses over the site. Hours of operation of the business units will need to be controlled to prevent adverse impacts on the adjacent residential area.

The indicative plans show the dwellings in the northern half of the site, with the employment land to the south. The dwellings, as shown in the indicative plan, are sufficient distance from the sewage treatment works to not be affected by noise and odour from the STW. The siting of residential properties next to farmland is acceptable and there is deemed to be no significant adverse impacts upon the future residents from the neighbouring farmland. The agricultural unit is separated from the proposed residential development by agricultural land.

### **Affordable Housing and Public Open Space Provision**

The development will need to provide affordable housing in line with policy requirements. The Housing Enabling Officer has stated 25% of the new housing should be affordable homes, with a tenure split of 60% social rented and 40% intermediate housing in the form of shared ownership. The agent has agreed in writing to this housing mix and it will need to be secured by a S106 agreement.

In line with policy requirements children 8 years and under should not have to walk further than 400m to their nearest equipped play area via a safe walking route. The development will therefore need to provide on-site equipped and non-equipped children's play space for under 8's at 20sqm per 2 bed plus dwelling. An off-site contribution will be required for each 2bed plus dwelling for over 8's play provision and secured through a S106 agreement.

## **Highways**

The development will be accessed off the existing access off the roundabout to the B3277. The internal road/estate layout will be dealt with at reserved matters, including 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. Some improvements/widening of the access road may be required, along with visibility splays. The Highway Authority support the application subject to various conditions and securing a Travel Plan through a S106.

Safe and adequate 24 hour access to the STW must be maintained. The access must not form part of a pedestrian route. Currently there is an access track off the B3277 through the site to the STW, which divides the site. The masterplan does not identify how access will be maintained. A condition can ensure the access is agreed as part of the reserved matters application and implemented accordingly. If suitable access is provided through the industrial area, off the existing roundabout, this could be an improvement to the existing access.

A construction management plan would be required to be submitted and approved prior to commencement to ensure safety to the highway during all stages of the development. A travel plan would need to be approved, implemented and monitored. The Highway Authority require a S106 to secure the travel plan.

## **Flood Risk**

The application site is not located within flood zone 2 or 3. Surface water drainage will need to ensure that the development does not increase flood risk. Full drainage details, including the provision of SUDS will need to be submitted and approved.

## **Landscape & biodiversity**

The development of the site will be visible as you approach Wiveliscombe from Taunton direction and from the wider area. The development will be seen as an extension to the rural centre and will not appear out of context with its surroundings, subject to appropriate design. As already stated, there is an extant permission on part of the site so it is already accepted that the nature of the site will change from its current agricultural form. The revised indicative masterplan shows landscaping within and around the site, including an increased buffer to the eastern boundary. A landscaping condition will be required to ensure suitable landscaping details are



submitted at reserved matters and implemented as part of the scheme.

A Preliminary Ecological Appraisal has been carried out at the site. The Council's Biodiversity Officer agreed with the findings of the report and recommended further surveys are carried out. It is considered that this information is required prior to commencement of any development to ensure adequate protection of flora and fauna. A protective strategy and enhancements will be required, including the provision of bird and bat boxes.

### **Contamination**

The Ground Investigations Report submitted with the application does not cover the whole of the site and is not recent. Further investigations will be required to ensure the development is safe. The Environmental Health Officer has recommended conditions to ensure mitigation of contaminated land.

The site is in close proximity to the former abattoir and other industrial premises. A full noise and odour assessment will need to be undertaken to identify any issues in relation to the siting of the proposed dwellings.

### **Archaeology/ Scheduled Monument**

The proposal is not considered to significantly affect the setting of the scheduled monument "Camp south of Manor Farm". There are no archaeological concerns arising from the proposal.

### **Other matters**

The detailed layout and the matters relating to this raised by the Police Architectural Liaison Officer will be subject of the reserved matters application.

The financial considerations carry limited weight. The application will be subject to CIL payments which will contribute to financing infrastructure through the regulation 123 list. The provision of school places are a County matter and Doctor's surgeries operate independently. The proposed development is not considered to significantly increase the need for car parks within the centre of Wiveliscombe.

Wiveliscombe Civic and Historical Society refer to the proceeds of the sale of land and buildings. This is not considered a material planning consideration.

The public consultation event that took place was at the discretion of the applicant. The application has been advertised in accordance with regulations.

In the event that a public right of way needs to be altered the applicant will need to apply for a diversion order.

### **Conclusion**

Whilst it is acknowledged that the proposal is contrary to policy MAJ3 in the SADMP, however it is considered acceptable and in accordance with Policy SP1 if it is an employment enabling and affordable housing enabling development. The support for this mixed use scheme is considered to be a proactive approach, in line with the NPPF, to facilitate employment land coming forward with an appropriate use of land within the settlement boundaries. Without an adequate mechanism to bring forward the employment land the proposed residential use would be considered unacceptable. A condition would not be considered a suitable mechanism to ensure deliverability of the employment site. A S106 legal agreement, would need to be secured to ensure a fully serviced employment site with appropriate phased triggers.

For example; All plots shall be individually serviced and available and at least two units with a total minimum floorspace of 2,000 sq.m shall be constructed ready for occupation prior to the occupation of the fiftieth dwelling.

The residential use would also be considered unacceptable if it did not enable affordable housing in line with policy requirements. The S106 will ensure the affordable housing is delivered.

The application for outline consent is therefore recommended for conditional approval subject to a S106 to secure; the development of industrial buildings and servicing of employment land; travel plan; children's play provision; and affordable housing.

49/18/0071

MR & MRS E GAINES

## **Conversion of coach house into 1 No. dwelling at Tor House, 48 Ford Road, Wiveliscombe**

Location: TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE, TAUNTON, TA4  
2RE

Grid Reference: 308560.128067

Full Planning Permission

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## **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:

(A1) DrNo 2406. 04X Rev A Plan & Elevations as Existing. Site Layout & Location Plans

(A1) DrNo 2406. 05X Rev A Plans & Elevations as Proposed. Privacy Diagram

(A1) DrNo 2406. 06X Rev A Site Layout as Proposed

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

3. Prior to commissioning, details of the following shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with subsequent approved details unless any variation thereto is first agreed in writing by the Local Planning Authority: Metal railings; windows; doors; slates; stone paint.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Taunton Deane Core Strategy Policies DM1 and CP8 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. All guttering, downpipes and rainwater goods shall be constructed of metal and painted black and thereafter maintained as such.

Reason: To ensure that the proposed development does not harm the character and appearance of the building in accordance with Policy DM1 and Policy CP8 of the Taunton Deane Core Strategy.

5. The courtyard area allocated for parking on the approved plan number 2406.06X rev A shall be properly consolidated, surfaced, drained and marked out before the use commences or the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with retained Policy M4 of the Taunton Deane Local Plan.

6. The natural stone to be used in the construction of the steps to the West elevation of the building shall match the stone used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the building and surrounding area in accordance with Policy DM1 and Policy CP8 of the Taunton Deane Core Strategy.

7. The development hereby permitted shall not be commenced (including any demolition) until a bat emergence and dawn survey report has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall ascertain the usage of the site by bats. They shall be undertaken by an appropriately qualified person at an appropriate time of year (May to July) and use techniques and equipment appropriate to the circumstances.

**Reason** To ascertain accurate and up to date usage of the buildings by bats

8. The development hereby permitted shall not be commenced until details of a strategy to protect bats and birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Jh Ecology's Preliminary Bat Roost Assessment report dated January 2019 and further bat survey and include:

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

2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance

3. Measures for the retention and replacement and enhancement of places of rest for bats and birds

#### 4. Details of any outside lighting

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

Reason: To protect and accommodate wildlife.

#### 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.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Bats are known to use the building(s) as identified in JH Ecology's report, dated January 2019. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations. The condition relating to wildlife requires the submission of information to protect wildlife. The local planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected throughout the development process and be provided with a mitigation proposal that will maintain favourable status for species affected by this development proposal.

## Proposal

The application seeks planning permission for the conversion of a former Coach House into a two bedroom dwelling, with associated access, parking and amenity space, on land adjoining Tor House, Wiveliscombe. This is a renewal of a previous permission 49/15/0009 which has now expired.

The proposed conversion will result in the formation of an open plan living kitchen and dining area at ground floor with WC at ground floor, and two bedrooms and a family bathroom at first floor level. The conversion will make use of the existing building only, with no extension proposed. Additionally, all existing openings will be used, negating the need to form new openings within the fabric of the building.

Externally, new stone steps and balustrade will access the main entrance to the West elevation. Parking and turning will be provided within the existing walled compound to the West. Private gardens will be to the North of the building and an enclosed courtyard to the East where an existing outbuilding will be retained following modest renovation.

The physical conversion works will result in the roof being re-slatted with breathable membrane and timbers repaired where necessary. All fenestration will be of timber and rainwater goods black metal. Internally, new timber partitions will be installed and a new staircase constructed. Foul waste will be disposed of via mains sewer and surface water drained to gullies as existing.

## **Site Description**

Tor House is a Grade II Listed Building located to the East of Ford Road. The site comprises the principle listed dwelling house, which is set within large gardens and contains outbuildings to the North. The site is predominantly surrounded by residential development to the North, South and West.

The building subject of this application is listed virtue of its curtilage status and relationship to the principle buildings. The building is used actively for domestic storage and other purposes. It is of stone walls, slate roof and timber windows and doors. The compound to the West, which is enclosed by high stone walls and timber gates, is used for parking for Tor House, although the main dwelling has a main access and driveway to the South, which serves a large parking and turning area.

## **Relevant Planning History**

- 49/15/0037 and 49/15/0038/LB - outline permission for the erection of 2 no. dwellings with all matters reserved except for access – Approved - 13/11/2015
- 49/15/0009 and 49/15/0012/LB - conversion of coach house into 1no. dwelling - Approved - 15/06/2015
- 49/18/0073/LB - Various alterations to walls and of vehicular access
- 49/18/0074 - Outline planning permission for the erection of 2 dwellings approved 27/02/19 (renewal of 49/15/0037)

## **Consultation Responses**

*WIVELISCOMBE TOWN COUNCIL* - No response

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing advice

*BIODIVERSITY -*

**Bats** - The surveyor found evidence of bats within the internal space of the coach house in the form of individual droppings of at least 2-3 species of bat, namely lesser horseshoe, brown long eared and possible pipistrelle. No significant accumulations of droppings were found so the surveyor assessed the coach house as having moderate potential for bats. The owners sighted bats in the building during the summer months.

No evidence of bats was found in the outbuilding but there is potential for the building to be used as a night roost. I agree that further survey is required. As alternative roosting provision could be provided for bats within the proposed scheme, I agree that the survey work could be conditioned. This dedicated roof void should be shown on the architect's drawings.

**However as the works will destroy bat roosts an EPS licence will be required from Natural England.**

**Birds** - The surveyor found evidence of nesting birds using the building in the form of a single old swallow nest. I agree that works should take place outside of the bird nesting season and I support the provision of a swallow cup and a bird nest box on the building or a tree on site.

**Condition for submission of a further bat survey**

The development hereby permitted shall not be commenced (including any demolition) until a bat emergence and dawn survey report has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall ascertain the usage of the site by bats. They shall be undertaken by an appropriately qualified person at an appropriate time of year (May to July) and use techniques and equipment appropriate to the circumstances.

**Reason** To ascertain accurate and up to date usage of the buildings by bats

**Suggested Condition for protected species:**

The development hereby permitted shall not be commenced until details of a strategy to protect bats and birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Jh Ecology's Preliminary Bat Roost Assessment report dated January 2019 and **further bat survey** and include:

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

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

### **Informative Note**

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation Bats are known to use the building(s) as identified in jh Ecology's report, dated January 2019. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

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

## **Representations Received**

None received

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,  
CP1 - Climate change,  
CP4 - Housing,  
CP8 - Environment,  
A1 - Parking Requirements,  
SP1 - Sustainable development locations,



M4 - Residential parking provision,  
SB1 - Settlement Boundaries,

## Local finance considerations

### Community Infrastructure Levy

Creation of dwelling is CIL liable.  
Proposed development measures approx. 70sqm.

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 £8750.00. With index linking this increases to approximately £11,750.00.

### New Homes Bonus

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

#### *1 Year Payment*

Taunton Deane Borough	£1,079
Somerset County Council	£270

#### *6 Year Payment*

Taunton Deane Borough	£6,474
Somerset County Council	£1,619

## Determining issues and considerations

The application site is located within the settlement limit of Wiveliscombe, which is classified as a Major Rural Settlement under TDBC Core Strategy policy SP1 where the principle of new residential development is acceptable in principle. There have been few significant material changes on the ground at the site since the previous planning approval (although there were some changes in Local Plan and national policies, but none that directly impact on the principle of development) and as such there are no substantive policy objections to the proposal. The pertinent issues to consider are therefore the impact of the development upon highway safety and the Listed Building.

### Highway Safety

The proposed dwelling will be served by an enclosed courtyard parking area to the West. This area has an historic access onto Ford Road and is used on a day to day basis by the residents of Tor House. Tor House itself has a large parking area with separate access and therefore the loss of this area to the main dwelling will not compromise the ability of Tor House residents to park clear of the highway. The compound parking area measures approximately 8m x 8m; whilst tight it is possible

to park and turn vehicles within in order to exit the site in a forward gear. Across the access, visibility is slightly restricted by boundary walls and the splay falls well short of Highway Standards. Notwithstanding these matters, given the historical use of the access and compound for residential parking, the proposed new dwelling is not considered to result in any significant harm to highway safety.

### Impact upon Listed Building

Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses”.

The building has little architectural or historically significant features that must be retained. The Coach House currently has a relatively domesticated appearance to it, with historic windows and doors to its elevations. The building lends itself well to conversion and the proposed scheme will not result in any significantly intrusive works to the historic fabric of the building.

Two new rooflights are proposed on the front roofslope which is currently blank. However the number of rooflights and their size has been kept to a minimum and I do not consider the impact upon the appearance of the building to be so significant as to warrant a reason for refusal.

The proposed development will make use of appropriate materials and will provide a suitable conversion for the building, thereby preserving its fabric and historical importance for future generations.

### Other matters

The proposed amenity areas serving the dwelling are considered to be acceptable and relate well to the building; the use of the proposed garden area is currently residential and therefore there should not be any undue impact upon neighbouring amenity. With regard to amenity of future occupiers, the conversion of the Coach House is not considered to result in an unacceptable relationship with Tor House.

### Protected Species

A preliminary bat roost and nesting bird assessment report has been submitted with the application. Evidence of bats were found within the internal space of the coach house in the form of individual droppings of at least 2-3 species of bat, namely lesser horseshoe, brown long eared and possible pipistrelle. No significant accumulations of droppings were found so the surveyor assessed the coach house as having moderate potential for bats. No evidence of bats was found in the outbuilding but there is potential for the building to be used as a night roost. It is recommended that a condition be attached to any permission requiring a further survey as alternative roosting provision could be provided for bats within the proposed scheme. However as the works will destroy bat roosts an EPS licence will

be required from Natural England.

### Conclusions

The proposed development will make good use of a Listed Building, providing for a sustainable residential development within Wiveliscombe. The development is not considered to adversely impact upon visual or residential amenity, highway safety, wildlife or the architectural or historic interest that the building possesses.

Taking the above matters into consideration, it is recommended that planning permission be granted subject to conditions.

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

**Contact Officer: Jackie Lloyd**



49/18/0072/LB

MR & MRS E GAINES

## **Conversion of coach house into 1 No. dwelling at Tor House, 48 Ford Road, Wiveliscombe**

Location: TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE, TAUNTON, TA4  
2RE

Grid Reference: 308560.128067

Listed Building Consent: Works

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## **Recommendation**

**Recommended decision: Conditional Approval**

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

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo 2406. 04X Rev A Plan & Elevations as Existing. Site Layout & Location Plans

(A1) DrNo 2406. 05X Rev A Plans & Elevations as Proposed. Privacy Diagram

(A1) DrNo 2406. 06X Rev A Site Layout as Proposed

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

3. The natural stone to be used in the construction of the steps to the West elevation of the building shall match the stone used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the building and surrounding area in accordance with Taunton Deane Core Strategy Policies DM1 and CP8.

4. All guttering, downpipes and rainwater goods shall be constructed of metal and painted black and thereafter maintained as such.

Reason: To ensure that the proposed development does not harm the character and appearance of the building in accordance with Policy DM1 and Policy CP8 of the Taunton Deane Core Strategy.

5. Prior to commissioning, details of the following shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with subsequent approved details unless any variation thereto is first agreed in writing by the Local Planning Authority: Metal railings; windows; doors; slates; stone paint.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Taunton Deane Core Strategy Policies DM1 and CP8 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 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

The application seeks Listed Building Consent for the conversion of a former Coach House to a two bedroom dwelling, with associated access, parking and amenity space, land adjoining Tor House, Wiveliscombe.

The proposed conversion will result in the formation of an open plan living. Kitchen and dining area at ground floor with WC at ground floor, and two bedrooms and a family bathroom at first floor level. The conversion will make use of the existing building only, with no extension proposed. Additionally, all existing openings will be used, negating the need to form new openings within the fabric of the building.

Externally, new stone steps and balustrade will access the main entrance to the West elevation. Parking and turning will be provided within the existing walled compound to the West. Private gardens will be to the North of the building and an enclosed courtyard to the East where an existing outbuilding will be retained following modest renovation.

The physical conversion works will result in the roof being re-slatted with breathable membrane and timbers repaired where necessary. All fenestration will be of timber and rainwater goods block metal. Internally, new timber partitions will be installed and a new staircase constructed. Foul waste will be disposed of via mains sewer and surface water drained to gullies as existing.

## Site Description

Tor House is a Grade II Listed Building located to the East of Ford Road. The site comprises the principle listed dwelling house, which is set within large gardens and contains outbuildings to the North. The site is predominantly surrounded by residential development to the North, South and West.

The building subject of this application is listed virtue of its curtilage status and relationship to the principle buildings. The building is used actively for domestic storage and other purposes. It is of stone walls, slate roof and timber windows and doors. The compound to the West, which is enclosed by high stone walls and timber gates, is used as for parking for Tor House, although the main dwelling has a main access and driveway to the South, which serves a large parking and turning area.

## Relevant Planning History

- 49/15/0037 and 49/15/0038/LB - outline permission for the erection of 2no. dwellings with all matters reserved except for access – Approved - 13/11/2015
- 49/15/0009 and 49/15/0012/LB - conversion of coach house into 1no. dwelling - Approved - 15/06/2015
- 49/18/0073/LB - Various alterations to walls and of vehicular access
- 49/18/0074 - Outline planning permission for the erection of 2 dwellings approved 27/02/19 (renewal of 49/15/0037)

## Consultation Responses

*WIVELISCOMBE TOWN COUNCIL* - No response

## Representations Received

None received

## Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

CP8 - Environment,

## **Local finance considerations**

### **Community Infrastructure Levy**

N/A

### **New Homes Bonus**

N/A

## **Determining issues and considerations**

Section 66 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that in considering applications which affect Listed Buildings special regard must be had to the desirability of preserving the building or its setting. This duty is reflected in the NPPF 2018. Applications for listed building consent must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant listed building consent, the Local Planning Authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” .

The Coach House has little architectural or historically significant features that must be retained. The Coach House is listed through its ancillary association to Tor House; in its own right it is doubtful whether it would be Listed as a stand alone building. The Coach House currently has a relatively domesticated appearance to it, especially the East elevation, with windows and doors on the East and West elevations. The building lends itself well to conversion and the proposed scheme will not result in any significantly intrusive works to the historic fabric of the building and will have a minimal impact upon the heritage asset.

Two new rooflights are proposed on the front roofslope which is currently blank. However the number of rooflights and their size has been kept to a minimum. The rooflights will not dominate the roof and any domestication is limited. I do not consider the impact upon the appearance of the building to be so significant as to warrant a reason for refusal. The proposed works will make use of appropriate materials and will provide a suitable conversion for the building, thereby preserving its fabric and historical importance.

Having regard to the above matters, the proposed works are considered to comply with Policy CP8 of the Core Strategy and guidance set out within the National Planning Policy Framework. It is therefore recommended that Listed building Consent be approved subject to the conditions recommended above.

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

**Contact Officer: Jackie Lloyd**



49/18/0073/LB

MR & MRS E GAINES

**Various alterations to walls and repositioning of vehicular access at Tor House, 48 Ford Road, Wiveliscombe**

Location: TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE, TAUNTON, TA4  
2RE

Grid Reference: 308589.128011

Listed Building Consent: Works

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## **Recommendation**

**Recommended decision: Conditional Approval**

**Grant Listed Building Consent**

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

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo 2406 12X LB Location Plan

(A1) DrNo 2406.10 X Turning Head Area Existing and Proposal

(A1) DrNo 2406.09 X Access Plan and Elevations Existing and Proposal

(A1) DrNo 2406.08 LB X Site Layout and Access as Proposed

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DM1 and CP8 of the Taunton Deane Core Strategy and the relevant guidance in the National Planning Policy Framework.

3. Prior to the commencement of the construction of the access samples of the materials to be used for the hard surfaces including edging and tarmac 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: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DM1 and CP8 of the Taunton Deane Core Strategy and the relevant guidance in the National Planning Policy Framework.

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

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

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

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DM1 and CP8 of the Taunton Deane Core Strategy and the relevant guidance in the National Planning Policy Framework.

5. No development, excluding site works, shall begin until a panel of the proposed stone work for the walls to be erected in accordance with the approved plans and measuring at least 1m x 1m has been built on the site. Both the materials and the colour and type of mortar for pointing used within the panel shall be agreed in writing by the Local Planning Authority prior to application and the development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DM1 and CP8 of the Taunton Deane Core Strategy and the relevant guidance in the National Planning Policy Framework.

6. No gates shall be erected to the access.

Reason In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DM1 and CP8 of the Taunton Deane Core Strategy and the relevant guidance in the National Planning Policy Framework.

## 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

The application seeks Listed Building Consent for alterations and works affecting vehicular access, boundary walls and gate pillars at Tor House, Wiveliscombe. A previous Listed Building Consent for the same works granted in November 2015 (ref 49/15/0038) has expired. The current proposal is the same as previously approved.

The proposed works seek to provide a betterment to the existing access arrangement serving Tor House and Tor View; the works would also benefit the associated planning application (49/15/0037) that seeks outline permission for the erection of two new dwelling houses within the property.

The roadside stone walls and wall abutting the driveway will be removed and replacement structures erected. The roadside walls will be faced with reclaimed stone and new gate pillar constructed to replicate the original; these works will provide visibility splay improvements. The retaining wall abutting the driveway will be finished with render and the driveway will be realigned at a gradient not exceeding 1 in 15. A new turning head together with passing places will also be provided.

## Site Description

Tor House is an imposing residential property located East of Ford Road, Wiveliscombe. The site comprises a large, two storey dwelling house that is Grade II Listed, set within a large residential curtilage largely laid to lawn with domestic landscaping. The property benefits from vehicular access to the South, which enters the site along a narrow driveway. The roadside boundary comprises a natural sandstone retaining wall with tall gate pillars finished with render. There are residential properties to the North and South of the site and planning permission has recently been granted for the conversion of an outbuilding to a separate dwelling house, LPA reference s 49/15/0009 and 0012LB.

## Relevant Planning History

49/15/0038 - alterations and works affecting vehicular access, boundary walls and gate pillars at Tor House Approved November 2015

49/15/0009 and 0012LB - The conversion of an outbuilding to a separate dwelling house

49/18/0071 and 49/18/0072LB the conversion of an outbuilding to a separate dwelling house (still to be determined)

49/18/0074 - Outline Planning Permission with all matters reserved, except for access and layout, for the erection of 2 No. dwellings on land at Tor House, 48 Ford Road, Wiveliscombe. Reported to Planning Committee on 26 March 2019 and granted permission

## **Consultation Responses**

*WIVELISCOMBE TOWN COUNCIL* - No comment received

## **Representations Received**

None

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

ROW - Rights of Way,  
EN12 - TDBCLP - Landscape Character Areas,

## **Determining issues and considerations**

Section 66 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that in considering applications which affect Listed Buildings special regard must be had to the desirability of preserving the building or its setting. This duty is reflected in the NPPF 2018.

Public benefits need to outweigh the less than substantial harm to the significance of designated heritage assets.

Applications for listed building consent must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant listed building consent, the Local Planning Authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposed works effect the boundary walls of Tor House, which are considered to be listed as curtilage features associated to Tor House. The relaying of the access drive and provision of additional hardstanding areas within the property do not affect the listed building and do not specifically require Listed Building Consent.

The realigned road side walls and gate pillars will be finished in materials that replicate the existing structure. It is considered that there will be no significant harm to these elements of the heritage asset as a result. The use of render to finish the retaining walls erected along the driveway edge will be in keeping with the general finish and appearance of the main Listed Building and is appropriate in the context of the site.

The proposed works will have a minimal impact upon the heritage asset and will not materially harm the appearance of the walls and site in general. As a consequence the proposals will preserve the historic interest of these features as is required by Section 16 of the Act. In addition, the proposals will provide betterment to the existing access through improved visibility splays which are considered to provide appropriate justification for the works to the road side walls.

Having regard to the above matters, the proposed works are considered to comply with Policy CP8 of the Core Strategy and guidance set out within the National Planning Policy Framework. It is therefore recommended that Listed building Consent be approved.

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

**Contact Officer: Paul Dadson**



### **Site: Langaller Lane, Creech St Michael, Taunton**

**Proposal:** Outline planning application with all matters reserved, except for access, for the erection of up to 200 No. dwellings with public open space, landscaping and sustainable drainage system (SuDS) with vehicular access point off Langaller Lane, Creech St Michael

**Application number: 14/17/0033**

### **Reasons for refusal**

1. The proposed development site lies outside the defined settlement limits of Creech St. Michael. It would result in a large scale unplanned extension of the village, preventing a full assessment of the most sustainable options for future growth that would consider a range of factors such as available and planned infrastructure, walking distances to key facilities and provision of services in order to achieve sustainable development.

The Council recognises the aim to boost significantly the supply of housing, but it considers that delivery rates in Taunton Deane remain healthy and there is a substantial pipeline of future sites to meet five year supply requirements across the Borough. Policies for the supply of housing are therefore not out-of-date and the tilted balance is not invoked. A further 200 dwellings being apportioned to the village would not accord with the role and function set for it by the Core Strategy and would actually see it accommodating more new homes than either of the two Major Rural Centres outlined by the Plan thus undermining spatial policy to a serious extent.

Added to this the development will put pressure on local services which are limited in their ability to be able to cope with such an unplanned large expansion of the village. It is, therefore considered to be contrary to Policies SD1, CP1, CP4, CP6, CP8 SP4, DM1, & DM2 of the Taunton Deane Core Strategy 2012.

There are no material considerations that would outweigh these significant and demonstrable harms or the fundamental conflict with the development plan. The proposal it is considered does not fulfil the requirements for Sustainable Development as set out in policy SD1 and the National Planning Policy Framework (2012).

2. Insufficient information has been provided to demonstrate that the proposed development is not contrary to Section 4 of the National Planning Policy Framework (2012) and Policy DM1 of the Taunton Deane Borough Core Strategy (Adopted 2011 – 2028) since the proposed development is likely to result in a severe transport impact that could be prejudicial to the safety, amenity and convenience of highway users.
3. The development of this large open unallocated greenfield area outside the settlement boundary of Creech St. Michael it is considered would be contrary to Policies CP8, DM1, DM2, and SP4 of the Taunton Deane Core Strategy 2012, and Policies ENV1, and SB1 of the Taunton Deane Site Allocations and Development Management Plan 2016. The proposed development if allowed would create a significant visual intrusion into this area of countryside changing the character and

appearance of the environment surrounding Creech St. Michael, and would lead to a direct loss of the important gap separating Taunton and this outlying village settlement. The coalescence of the village with the greater Monkton Heathfield development planned for the eastern side of the M5 motorway is considered unacceptable in visual terms notwithstanding any proposed open space buffer set out with this application and the Green Wedge buffer which partially separates the Monkton Heathfield development from the Motorway. The site is valued for its own intrinsic sake as part of the countryside surrounding the village and should therefore be protected from sporadic unplanned development.

4. There is no mechanism in place to secure appropriate affordable housing provision, surface water attenuation and management, children's play facilities and any other wider recreational contributions, a public art contribution or an acceptable travel plan as part of the development. The proposal is, therefore, contrary to Policy CP4 of the Taunton Deane Core Strategy and Policies A2, D13 and C2 of the Taunton Deane Site Allocations and Development Management Plan.

**Appeal decision: APPEAL DISMISSED**



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## Appeal Decision

Inquiry held between 15 and 23 January 2019 Site visit made on 16 January 2019

**by Mark Dakeyne BA (Hons) MRTPI**

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

**Decision date: 4<sup>th</sup> March 2019**

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### **Appeal Ref: APP/D3315/W/18/3205705**

**Land off Langaller Lane, Creech St Michael, Somerset TA3 5EB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of Taunton Deane Borough Council.
  - The application Ref 14/17/0033, dated 25 September 2017, was refused by notice dated 17 April 2018.
  - The development proposed is the erection of up to 200 dwellings with public open space, landscaping and sustainable drainage system and vehicular access point from Langaller Lane.
- 

## Decision

1. The appeal is dismissed.



## Procedural Matters

2. The application is in outline with all matters except for means of access reserved for subsequent approval. Other than the location plan, the only drawing which formed part of the original application was the access arrangement contained within the Transport Assessment (Drawing No P16071- 002B). I have treated the Development Framework Plan within the Design and Access Statement as an indication of how the site could be developed.
3. Before and during the inquiry, agreement was reached between the main parties that two of the reasons for refusal were no longer in dispute. Firstly, the completed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (S106) would secure the affordable housing, infrastructure and contributions referred to in the fourth reason for refusal. Secondly, amendments to the access arrangement<sup>1</sup>, off-site highway works and obligations within the S106 would overcome the second reason for refusal relating to highway and transport impacts. The position of the main parties in these respects is set out in the Statements of Common Ground on (1) Planning and (2) Highways and Transportation Matters.
4. The additional information and changes to the access referred to above do not change the substance of the proposal and were discussed at the inquiry. No

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<sup>1</sup> Drawing No P16071-002G

party would be prejudiced by my decision to accept the information and plans.

5. The revised National Planning Policy Framework (the Framework) and the Housing Delivery Test measurement by local planning authority were published on 19 February 2019. The main parties have been given the opportunity to comment on these documents. I have taken into account the responses in this decision.

## Main Issues

6. Taking into account the above and the evidence before me, the main issues are:
  - (1) whether the proposal would be acceptable having regard to the development plan's strategy;
  - (2) the effect on the character and appearance of the area; and,
  - (3) whether any harm in relation to issues (1) and (2) above and any conflict with the development plan is outweighed by other material considerations.

## Reasons

### *Development Plan Strategy*

7. The Taunton Deane Core Strategy 2012 (CS) through Policy SP1 sets out the most accessible and sustainable locations for development within the Borough. The Taunton urban area is the main focus of growth providing at least 13000 of the 17000 new homes proposed. Below Taunton lies the market town of Wellington providing at least 2500 homes, leaving a minimum of 1500 homes for the rural area as set out in Policy SP4 of the CS. Within the rural areas Major Rural Centres and Minor Rural Centres are identified. The bottom tier of settlements comprises smaller villages.
8. Allocations are made in the top four tiers with development in the smaller villages coming forward through small scale infill within settlement limits. Within the rural areas two Major Rural Centres, described as small market towns, would provide about 400 homes through allocations, with five Minor Rural Centres providing a total allocation of at least 250 new homes. Creech St Michael (CSM) is one of the Minor Rural Centres. Policy CP4 of the CS indicates that 'housing should be delivered consistent with the settlement hierarchy established in Policy SP1.'
9. As an overarching policy SP1 sets out the distribution of growth and the role and functions of settlements in each tier. The explanations to Policies SP1 and SP4 recognise that the Minor Rural Centres such as CSM have some services such as a primary school and shop but lack sufficient facilities to warrant recognition as Major Rural Centres. The scale of development commensurate with the function is given effect by Policy SP1 itself which for new housing in Minor Rural Centres will be through small scale allocations, sites within the development boundary and affordable housing exception sites.
10. The small-scale allocations required by Policy SP1 have been put into place by the Taunton Deane Site Allocations and Development Management Plan 2016 (SADMP). This plan allocated three sites in CSM for 139 dwellings out of total allocations of about 290 dwellings in the Minor Rural Centres. These allocations have been built-out. An additional development of over 70 homes off Hyde

Lane has also been constructed during the CS period.

11. The appeal proposal is not on an allocated site. Nor is it within the development boundary or an affordable housing exception site. The proposal should be treated as being in open countryside as referred to in Policy SP1. The development of up to 200 homes would distort the strategy by resulting in over 400 dwellings being developed in CSM since around 2012, or about 26% of the minimum amount of housing envisaged by the development plan for the rural areas. This would elevate the level of development in CSM to above that anticipated in the Major Rural Centres.
12. In conclusion the development would not be acceptable having regard to the development plan's strategy, being contrary to Policies CP4, SP1 and SP4 of the CS. These policies, when read together, seek to create balanced and sustainable mixed-use communities, with growth in the rural areas being more limited, reflecting rural character and sustainability considerations. The harm that would arise is that development would come forward outside this plan-led approach to addressing housing needs. Whether or not development is genuinely plan-led is an important facet of sustainability.

#### *Character and appearance*

##### *Landscape and visual impacts*

13. The appeal site is a single crop arable field located between the northern edge of CSM and Langaller Lane and the M5 motorway. The site has a domed landform. Hedgerows and trees mark its boundaries with the fields to the south-west and Langaller Lane. In addition, there is a group of trees on the wide highway verge close to the north-eastern boundary which is prominent on leaving and entering the village. Otherwise the site and its boundaries do not have any distinctive landscape features.
14. The site forms part of a wider area of open countryside to the north and north-west of the village. However, the character of the area is influenced by the nearby housing estates within the village and the proximity of the M5 and urban extensions to Monkton Heathfield (MH) to the west of the motorway.
15. The various landscape character assessments recognise that this part of the Vale of Taunton Deane is affected by primary traffic routes and other urban features. As a result, the area has moderate landscape character sensitivity and moderate visual sensitivity. In this context and taking into account its particular characteristics, I agree with the appellants' assessment of the site as being of medium landscape value.
16. The development would not be prominent in middle and longer distance views due to topography, vegetation and intervening built-form. When seen it would be in the context of the substantial existing development to the north-east of Taunton either side of the M5. Its wider landscape impacts would not be significant.
17. However, the development would be clearly seen from a number of closer viewpoints, particularly from local footpaths, Langaller Lane, the recreation ground off Hyde Lane and nearby housing, from where a residential development on the site would result in significant and irreversible change.

18. This change would be particularly noticeable for users of the public footpaths that run close to the site's southern edge and beyond the south-west boundary<sup>2</sup>. These are paths that are used regularly by villagers for dog walking and taking the air. Although T-10/23 comes to a dead-end at the motorway and for much of its length is on the opposite side of a hedge from the site, it is used as part of an informal footpath loop through the fields to the south of the appeal site and the development would change its character.
19. The countryside views from T-10/24 as it passes by the cottages at North End would be replaced by the sight of a housing estate. The vistas to the north from within the field would change from a predominantly rural scene to one that is dominated by a residential development, particularly as the predominantly two-storey housing would be on rising land above the footpath. A similar change would be seen by users of T-10/23. The path that crosses the site would be transformed from a field path to a tarmacked and lit footpath and cycleway and that change would also affect the path as it links to Hopkins Field.
20. The footpaths are not in tranquil open countryside as they are affected by the presence of existing housing and the site and sounds of the M5. Moreover, the indicative plans show that the path within the site would run through a green corridor which would also include a surface water attenuation basin and landscaping. However, users of the footpaths are sensitive receptors and the impacts would still be significantly adverse.
21. Langaller Lane crosses the M5 by a bridge sitting above the northern corner of the site. The road then loops around the long northern boundary of the site from where filtered views can be obtained through the hedges and trees which line the boundary and open views through the field gate. For motorists crossing the bridge from the west and driving into and out of the village the glimpsed views would change from that of a field with the village in the background to a substantial access with a housing estate behind. Those passing on foot along the pavement on the north side of Langaller Lane or cycling along the road would be receptors who would be more aware of, and sensitive to, the changes than motorists.
22. The character of Langaller Lane altered when it was realigned to cross the motorway. The motorway bridge and the road's width, markings and pavement reflect a highway that is close to the urban edge that links settlements, not a rural lane. Trees and hedges that would be lost on the site boundaries to either side of the widened access to allow adequate visibility would be replaced with new planting which would have similar screening effects to that which it replaces in the medium term. That said the village would encroach further along Langaller Lane towards the motorway, eroding the rural setting of CSM on its northern side. A chunk of the tree group that marks the transition between the village and the countryside would be lost. It would be difficult to replicate the feature because of visibility requirements. A more engineered road with traffic calming, a right-turn lane, pedestrian refuges, more signage and a much wider access would be the foreground to a suburban housing estate.

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<sup>2</sup> T-10/24 and T-10/23 respectively

23. Occupiers of housing backing onto the site and those using the estate roads and pavements of West View and Hopkins Field and the recreation ground to the south would also see a significant change when looking in the direction of the appeal site. As with the footpath users the rising ground would accentuate the visual impact even though the green corridor would offer some mitigation. Those affected would not be as sensitive to the changes as footpath users, but the impacts would still be highly adverse.
24. The Landscape and Visual Impact Assessment suggests that, after mitigation, the range of landscape and visual effects in terms of different features and viewpoints would be no greater than 'moderately adverse' and in most cases 'slight' or 'insignificant'. However, to my mind this analysis underplays some of the visual effects from localised viewpoints, in particular Langaller Lane, public footpaths T-10/24 and T-10/23, adjacent housing and some of the public vantage points to the south, where the visual effects would be substantially or highly adverse.

#### *Coalescence*

25. The site forms part of the open land between CSM and MH intersected by the M5. The significant expansion of MH facilitated by the CS will result in further development along its south-eastern edge. However, an open break would remain between the planned development and the motorway as this belt of land to the west of the M5 has been designated as a green wedge in the SADMP.
26. The CS or SADMP did not designate the appeal site or other open land to the east of the M5 as green wedge. However, the land still performs a role in separating CSM from MH, this being most apparent from the motorway bridge. That said the gap between the two settlements has already been eroded by development along Hyde Lane, particularly at Sweetings Close, where housing is some 90m from the M5 and some 230m from the planned outer limits of MH. The indicative proposals for the appeal site also show an open belt of 90m between built development and the M5 which would result in a larger gap of about 300m between the expanded outer limits of the two settlements.
27. Langaller Lane and Hyde Lane have different characteristics, the latter being narrower and more enclosed once it crosses the motorway leaving CSM. In this respect the gap is perceived as more significant in the vicinity of the appeal site. However, at the same time, the retention of open land either side of the M5 as facilitated by the proposed developments would also be more discernible than that in the vicinity of Hyde Lane.
28. The emerging CSM Parish Council Neighbourhood Plan 2018-2038 (NP) which is currently being examined proposes that the appeal site and land to the south-west and north-east is designated as a green wedge. However, the proposed green wedge is subject to objections which are before the Examiner. Until such time as the Examiner reports, the NP and the green wedge proposal can only be given limited weight.

#### *Conclusions on character and appearance*

29. The proposals would have some adverse effects on the character and appearance of the area. In terms of the wider landscape and the coalescence

of settlements these impacts would be limited. However, the more localised impacts would be substantial.

30. The site does not form part of a valued landscape and should not be protected for its own sake. The site has characteristics which are similar to those found in many edge of settlement locations reflected in its medium landscape value. However, the site contributes to the rural setting of the village and provides opportunities for relatively peaceful exercise on the doorstep before the effective barrier of the M5 is reached. These not uncommon attributes and the intrinsic character and beauty of the countryside should be recognised.
31. The proposal would be outside of the settlement boundary. It would not be appropriate in terms of scale; and would not protect, conserve or enhance landscape character. Therefore, there would be conflict with Policy CP8 of the CS and in particular two of the criteria at the end of the policy. Although the second criterion refers to terms that are 'reserved matters', scale is relevant in considering a proposal for 200 homes. The proposal would also conflict with Policy DM1 of the CS as the appearance and character of the landscape would be unacceptably harmed.
32. Policy CP8 also refers to not permitting development proposals that would harm the settings of rural centres; protecting or enhancing greenfield land outside a settlement boundary; and strictly controlling development in such areas. The appeal proposal would infringe these aspects of the policy. I note that the Inspector in the Rockwell Green appeal<sup>3</sup> did not refer to these elements of the policy. I do not know what evidence was before him. In any event I note that the Council accepted in that case that the development would comply with the criteria at the end of the policy which is different to the appeal before me. Even if the protection and strict control is only provided by these criteria, the proposal would still conflict with Policy CP8.
33. Because of a cross-reference to Policy CP8 within Policy SB1 of the SADMP, it follows that there would also be conflict with that policy. Policy SB1 indicates that proposals outside the boundaries of settlements will be treated as being within open countryside to maintain the quality of the rural environment and ensure a sustainable approach to development. The proposal would not minimise the impact on trees of value to the area's landscape and character because of the erosion of the tree group on the highway verge. Therefore, there would also be conflict with Policy ENV1 of the SADMP.
34. The fact that Policy DM2 of the CS, as a permissive policy, supports various categories of residential development in the countryside such as rural workers dwellings and affordable housing exception sites, but does not specifically preclude speculative housing, does not affect the proposal's conflict with Policies CP8, DM1, SB1 and ENV1.

#### *Other Considerations*

35. The proposal would provide up to 200 dwellings with 25% to be affordable homes in accordance with Policy CP4 of the CS, secured through the S106. Economic benefits would arise through construction jobs, indirect employment,

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<sup>3</sup> Appeal decision ref: APP/D3315/W/17/3179264 dated 25 September 2018

significant local spend from economically active residents, New Homes Bonus and Community Infrastructure Levy payments, and Council tax contributions. Providing new homes in the context of the national objective of significantly boosting the supply of housing clearly has social benefits for those in need and would help to sustain village services. The payments and contributions would fund infrastructure and services primarily for new residents but the enhanced facilities would be likely to give rise to some benefits for existing residents.

36. The CS is more than five years old. Applying the Standard Methodology for calculating Local Housing Need (LHN) as required by paragraph 73 of the Framework, there is a five-year supply of land for housing. The supply is 6.8 years using the 2014-based household projections. Therefore, on this basis housing is being delivered to meet need.
37. The LHN figures are below the CS requirement which is based on a strategy of employment-led growth, albeit that the strategy is due for review. Therefore, against the Council's own vision as articulated by the CS there is less supply. Although the latest Annual Monitoring Report 2017-18 shows a supply of 5.7 years against the stepped requirement in the CS, these figures are based on the shortfall since the start of the Plan period being spread over the remaining years of the CS and a 5% buffer being applied. It is not clear whether these assumptions have been tested. The appellants' figures, which were not challenged, show a deficit in provision since 2008 of about 450 dwellings with the possibility of this deficit increasing in the next five years. Therefore, additional market housing would assist in getting delivery closer to the Council's aspirations.
- 38 Just under 40 affordable homes have been provided in CSM since the CS base date. The CSM Parish housing needs survey of August 2017 identified a low level of affordable housing need. The urban extensions at MH will provide a reasonable number of affordable homes nearby. However, the Council's Housing Officer points to a need for a range of affordable house types in the village. Moreover, whilst it is desirable to provide homes for those in need within their own communities, affordable housing need should be considered at a district level. Provision has been lagging behind the need identified in the CS such that there has been a shortfall of over 500 affordable dwellings since 2008.
39. The off-site highway works along North End and St Michael Road would not only mitigate the impact of additional vehicle movements and other journeys from the development but would also be of benefit to existing villagers. In particular the provision of additional traffic calming and a separate pavement to replace the virtual footway would have the potential to reduce vehicle speeds, improve pedestrian safety and deter rat-running. The improvements to the footpath through the site would make walking and cycling to the school, health centre and recreation ground safer and more convenient for existing residents of North End. There were concerns raised about some of the knock-on effects of the detailed changes but there would be scope for these to be resolved before a final scheme was agreed.
40. The S106 would secure a significant contribution to bus transport which would increase the frequency of services within the village and make travel for work

and to access services by this mode more convenient for existing and new residents. The obligation is necessary to secure compliance with CS Policy CP6.

41. The proposals include open space, ecological mitigation, surface water attenuation and measures to combat noise from the M5. Although these works may have some benefits for existing residents, they are primarily aimed at mitigating the impacts and ensuring that the development is acceptable in these respects.
42. The development would lead to the loss of 11 ha of Grade 2 agricultural land. However, most greenfield land in the area is best and most versatile so the harm needs to be assessed in that context.

#### *Planning Balance and Conclusions*

43. There would be conflict with the development plan strategy and in particular Policies CP4, SP1 and SP4 of the CS. I have also found harm to the character and appearance of the area and conflict with Policies CP8 and DM1 of the CS and Policies SB1 and ENV1 of the SADMP.
44. Policy CP8 refers to protection of unallocated greenfield land outside settlement boundaries and Policies SP1 and SB1 place limitations on the location of new housing development. Therefore, these policies could be read as being more restrictive than paragraph 170 of the Framework. However, the CS and SADMP were adopted after the publication of the 2012 Framework. There is nothing in the Framework which suggests that settlement boundaries are not a legitimate planning tool. Policies CP8, SP1 and SB1, when taken as a whole and in the context of a development plan that supports economic growth and the housing land supply position, are consistent with the Framework and are not out of date.
45. The proposal complies, or does not conflict, with some policies, but is not in accordance with the most important development plan policies for determining the appeal and conflicts with the development plan overall. Where a development conflicts with an up-to-date development plan, permission should not usually be granted.
46. The harm caused by the loss of agricultural land would be limited and is not a decisive factor in the planning balance. Other issues raised by the Parish Council, local residents and Councillors, taking into account the potential for mitigation, would not be reasons to dismiss the appeal.
47. Notwithstanding the existence of more than five-years supply of housing land and the amount of development that has taken place in CSM, the provision of market and affordable housing would result in significant economic and social benefits for the reasons given in paragraphs 35, 37 and 38. There would also be benefits for residents of the village as a whole from the highway works, improvements to the bus service and some of the on-site proposals. These benefits when taken together would be substantial.
48. The planning system should be plan-led. Land should generally be brought forward through the development plan to address housing needs and boost supply. Such a process allows options for sustainable growth to be considered, the relative merits of sites in terms of their various impacts and benefits to be



assessed and infrastructure requirements to be properly planned. Moreover, the plan-led approach provides certainty for communities. There are no overriding reasons such as the lack of a five-year supply of housing that suggest that the development plan should not be followed.

49. Overall, the conflict with the development plan would not be outweighed by other material considerations, even though the benefits of the scheme would be substantial. Therefore, the appeal should be dismissed.

*Mark Dakeyne*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Scott Stemp of Counsel  
He called

Instructed by the Council's Solicitor

Andrew Leithgoe  
Dip LA M Arbor A FLI

Principal, Inermis Environmental Solutions

Paul Smith  
BA (Hons) BSc (Hons) Dip BE  
MRTPI

Planning Consultant

### FOR THE APPELLANT:

Josef Cannon of Counsel  
He called

Instructed by Gladman Developments Ltd

Silke Gruner BA (Hons)  
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Associate Landscape Architect  
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David Schumacher  
Dip MS MSc MCILT MCIHT

Director, Prime Transport Planning

Jason M Tait BA (Hons)  
Dip TP MRTPI

Director, Planning Prospects Ltd

**INTERESTED PERSONS:**

Steve Altria	Clerk to Creech St Michael Parish Council
Steve Greenhalgh	Parish Councillor
Peter Brown	Parish Councillor
David Boggon FRICS DMA	Local resident
David Fothergill	County Councillor
Fred A'Court	Local resident
Charlie Cudlip	Parish Councillor
Brenda Brighton	Local resident
David Durdan	Borough Councillor
Jon Side	Local resident
Mick Humphries	Local resident

**PLANS AND DOCUMENTS SUBMITTED AT THE INQUIRY**

- ID1 Highway Technical Note 03, submitted by the appellants ID2  
Travel Plan Revision C, submitted by the appellants
- ID3 Arboricultural Impact Assessment and response to Council's evidence,  
submitted by the appellants
- ID4 Appellants' opening statement
- ID5 Map showing grades of agricultural land, submitted by the appellants ID6  
Aerial photographs of appeal site, submitted by the Council
- ID7 Aerial photograph showing appeal site development, submitted by the  
Council
- ID8 Supplementary Proof from Mr Leithgoe, submitted by the Council
- ID9 Statement from Creech St Michael Parish Council
- ID10 Speaking notes from Parish, Borough and County Councillors and local residents
- ID11 North End Highways Mitigation Drawing No: P18119-112C, submitted by the  
appellants
- ID12 Public Right of Way Natural Surveillance Drawing No: P18119-111,  
submitted by the appellants
- ID13 Note on resolution of highway matters, submitted by the Council ID14  
Highways and Transportation Statement of Common Ground
- ID15 Five Year Housing Land Supply Position at 1 April 2018 using LHN Standard  
Methodology and 2016 household projections, submitted by the appellants ID16  
S106 Unilateral Undertaking dated 23 January 2019, submitted by the  
appellants

ID17 List of planning conditions, submitted by the appellants ID18  
Questions of Mr Schumacher, compiled by local residents ID19 CIL  
Compliance Statement, submitted by the Council ID20 Questions  
of Mr Tait, asked by Brenda Brighton

ID21 Plan of Hyde Lane Footway Drawing No: MN004241-HW-003, submitted by the  
County Council

ID22 Planning Obligation Summary, submitted by the appellants

ID23 Council's Closing Statement

ID24 Appellants' Closing Statement

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## Appeal Decisions March 2019



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# Appeal Decision

Site visit made on 4 February 2019

**by Andrew Tucker BA (Hons) IHBC**

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

**Decision date: 27 February 2019**

**Appeal Ref: APP/D3315/D/18/3216047**

**281 Greenway Farm Cottages, Thurlbear Road, Orchard Portman, Taunton  
TA3 5BP**

- 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 R Macdonald and Mrs M Hartigan against the decision of Taunton Deane Borough Council.
- The application Ref 28/18/0006, dated 06 June 2018, was refused by notice dated 25 September 2018.
- The development proposed is the construction of vehicular access, parking and turning areas together with associated works.

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## Decision

1. The appeal is dismissed.

## Main Issue

2. The effect on the character and appearance of the area.

## Reasons

3. The appeal property forms one end of a short terrace of traditional estate cottages. It stands in an elevated position, well above the height of the road and set back behind a large garden that wraps around the side and front of the property. The cottages stand to the north of the small rural settlement of Thurlbear, in a landscape that has an agricultural character.
4. The road fronting the site is typical of the small lanes in the area. It is fairly narrow, with just enough space for two vehicles to pass; although at the time of my visit vehicles were parked on the road in front of the cottages. The road is enclosed by banks and hedges, with a high bank retaining the much higher garden level associated with the appeal property.
5. The front boundary of the appeal property is defined by a hedge. It is suggested that the hedge has no statutory protection and requires maintenance; and that its ecological interest is not sufficient to warrant its retention. However, its presence does contribute to the overall rural appearance of the lane. The cottages do not benefit from off road parking or driveways, which gives them a traditional and modest character, enhanced by the hedges along the front boundaries.
6. The proposal involves cutting into the bank fronting the appeal property to form a driveway, parking and turning area. Given the very significant change in level between the road and garden the cutting would be extensive. The

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retained soil would be enclosed at a low level by a rendered wall. Above the height of the wall a bank would be formed up to the level of the existing garden, which would be planted with a new mixed species hedge. This would have a very different appearance to the current arrangement. The extent of excavation required, owing to the significant change in level, combined with the loss of a length of established hedgerow, would have a harmful impact on the character and appearance of the area. Views of the new access would be limited to a certain extent by the curve in the road. However, where viewed the excavated area would appear quite alien and unduly dominant in the context of the traditional row of cottages; and it would occupy a large portion of the garden associated with the appeal property.

7. I accept that parking in the area is limited and on-road parking could be considered to have an impact on highway safety. However, the creation of an off-road parking area to serve one property does not necessarily mean that cars will no longer park to the front of the cottages. Parking on the road is unrestricted, and the other cottages in the terrace do not benefit from off-road parking. I can therefore attach limited weight to the benefits of removing parked cars from the road. I note the appellants' reference to the Somerset Parking Strategy. I have not been provided with a copy of this document, but I note that it is likely that this is a document intended to inform parking standards for new development, and in any case on-road parking is available in the area, particularly to the south of the appeal property where the road is wider.
8. The appellants have made comparisons between their proposal and other accesses close to the appeal property. I have reviewed the details that have been provided. Some are associated with large scale agricultural buildings or agricultural activity, so have quite a different context to the appeal proposal. Where accesses have been formed in the context of a residential property they do not appear to relate to such a significant change in level and have therefore not involved extensive excavation. Although existing hedges in the area are broken by an occasional access, the formation of an access that would involve such a significant level of excavation cannot be considered to be a characteristic of the area.
9. In support of the proposal the appellants have highlighted the intention to retain existing trees and the restricted height of the retaining wall, that would be finished in a natural red render to match the local soil colour. However, these factors are not sufficient to mitigate against the harmful impact of the proposal.
10. In summary the proposal would cause harm to the character and appearance of the area. This is contrary to Policies DM1 (part d) and CP8 of the Taunton Deane Core Strategy adopted 2012, which amongst other things seek to ensure that development proposals are appropriately designed and do not harm the existing character of an area.

**Conclusion**

11. For the reasons above, the appeal is dismissed.

*Andrew Tucker*

INSPECTOR

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**APPEALS RECEIVED MARCH 2019**

**Site:** Seafield, West Buckland, Wellington, TA21 9LW

**Proposal:** Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations at Seafield, West Buckland

**Application number:** 30/18/0020/CQ

**Appeal reference:** APP/D3315/W/18/3219225

**Enforcement Appeal:** No

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**Site:** Station Farm, Station Road, Bishops Lydeard, Taunton

**Proposal:** Erection of 9 No. dwellings with associated landscaping, open space and drainage infrastructure, to the east of the site, at Station Farm, Station Road, Bishops Lydeard

**Application number:** 06/18/0018

**Appeal reference:** APP/D3315/W/18/3219045

**Enforcement Appeal:** No

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

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

**Application number:** 42/18/0034

**Appeal reference:** APP/D3315/W/19/3222247

**Enforcement Appeal:** No

**Enforcement Appeal**

**Site:** [Insert site address – normal text]

**Alleged breach of planning control:** [Insert description of development – normal text]

**Reference number:** [Insert application number – normal text]

**Appeal reference:** [Insert appeal number – normal text]

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