

## SWT Planning Committee

Thursday, 3rd February, 2022,  
1.00 pm

**Somerset West  
and Taunton**

**The John Meikle Room - The Deane  
House**

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**Members:** Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Ed Firmin, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Ray Tully, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

### Agenda

**1. Apologies**

To receive any apologies for absence.

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

To approve the minutes of the previous meeting of the Committee on the 13 January 2022.

**3. Declarations of Interest or Lobbying**

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

**4. Public Participation**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

(Pages 5 - 8)

### **Temporary measures during the Coronavirus Pandemic**

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

Following the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), the council meeting rooms will have very limited capacity. With this in mind, we will only be allowing those members of the public who have registered to speak to attend the meetings in person in the office buildings, if they wish (we will still be offering to those members of the public that are not comfortable in attending, for their statements to be read out by a Governance and Democracy Case Manager). Please can we urge all members of the public who are only interested in listening to the debate to view our live webcasts from the safety of their own home to help prevent the transmission of coronavirus (COVID-19).

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|--|------------------------|
| <p>5. <b>38/21/0464 - Formation of vehicular access with associated works and alterations to highway at the Firepool Regeneration Site, Trenchard Way (and land to the south), Taunton</b></p>                           | <p>(Pages 9 - 36)</p>  |
| <p>6. <b>18/21/0017 - Variation of Condition No. 02 (approved plans) of application 18/20/0014 at Birch Cottage, Halse Road, Halse</b></p>   | <p>(Pages 37 - 44)</p> |
| <p>7. <b>31/21/0021 - Application to carry out management works to one Oak tree included in Taunton Deane Borough (Ruishton No.1) Tree Preservation Order 2008 to the rear of 40 Newlands Road, Taunton (TD1051)</b></p> | <p>(Pages 45 - 50)</p> |
| <p>8. <b>31/21/0022 - Application to fell one Oak tree included in Taunton Deane Borough (Ruishton No.1) Tree Preservation Order 2008 at 40 Newlands Road, Ruishton (TD1051)</b></p>                                     | <p>(Pages 51 - 56)</p> |
| <p>9. <b>42/21/0081 - Demolition of garage and erection of a single Storey extension to the side of Trendle, 49 Church Road, Trull</b></p>   | <p>(Pages 57 - 62)</p> |
| <p>10. <b>Latest appeals and decisions received</b></p>  | <p>(Pages 63 - 78)</p> |

A handwritten signature in black ink, appearing to read 'A Pritchard', with a horizontal line underneath.

**ANDREW PRITCHARD**  
**CHIEF EXECUTIVE**

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Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: [www.somersetwestandtaunton.gov.uk](http://www.somersetwestandtaunton.gov.uk)

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

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**SWT Planning Committee - 13 January 2022**

Present: Councillor Simon Coles (Chair)  
 Councillors Marcia Hill, Ian Aldridge, Mark Blaker, Roger Habgood, John Hassall, Mark Lithgow, Ray Tully, Sarah Wakefield, Brenda Weston and Loretta Whetlor

Officers: Alison Blom-Cooper, Rebecca Miller, Martin Evans (Shape Legal Partnership), Karen Wray and Tracey Meadows

Also Present: Councillor Janet Lloyd

(The meeting commenced at 1.05 pm)

90. **Apologies**

Apologies were received from Councillors Palmer, Morgan and Wheatley

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

(Minutes of the meeting of the Planning Committee held on 16 December 2021 circulated with the agenda)

**Resolved** that the minutes of the Planning Committee held on 16 December 2021 be confirmed as a correct record.

Proposed by Councillor Habgood seconded by Councillor Hill

The **Motion** was carried.

92. **Declarations of Interest or Lobbying**

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

Name	Application No.	Description of Interest	Reason	Action Taken
Cllr I Aldridge	43/20/0086	Received correspondence from Lidl and residents of Wellington. Responded to public but did not fetter interest	Personal	Spoke and Voted

Cllr M Blaker	43/20/0086	Received correspondence from Lidl and residents of Wellington.	Personal	Spoke and Voted
Cllr S Coles	43/20/0086	Received correspondence from Lidl and residents of Wellington.	Personal	Spoke and Voted
Cllr R Habgood	43/20/0086	Received correspondence from Lidl and residents of Wellington. Responded to public but did not fetter interest	Personal	Spoke and Voted
Cllr J Hassall	43/20/0086	Received correspondence from Lidl and residents of Wellington.	Personal	Spoke and Voted
Cllr Mrs Hill	43/20/0086	Received correspondence from Lidl and residents of Wellington.	Personal	Spoke and Voted
Cllr M Lithgow	43/20/0086	Received correspondence from Lidl and residents of Wellington.	Personal	Spoke and Voted
Cllr R Tully	43/20/0086	Received correspondence from Lidl and residents of Wellington.	Personal	Spoke and Voted
Cllr S Wakefield	43/20/0086	Received correspondence from Lidl and residents of Wellington.	Personal	Spoke and Voted
Cllr B Weston	43/20/0086	Received correspondence from Lidl and residents of Wellington.	Personal	Spoke and Voted
Cllr L Whetlor	43/20/0086	Received correspondence	Personal	Spoke and Voted

		from Lidl and residents of Wellington.		
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93. **Public Participation**

Application No	Name	Position	Stance
43/20/0086	Mr D Price		Against
	Mr J Horton		Against
	Mrs J Penny	Local Resident	In favour
	Mr J Thorne	Resident/and Cllr	Against
	Ms George-Taylor	On behalf of the Applicant	In favour
	Cllr J Lloyd	Ward Member	Against

94. **43/20/0086 Erection of a Class E (a) foodstore with associated parking, landscaping and access works on land north west of the Nynehead Road/Taunton Road/Torres Vedras Drive Roundabout, Wellington**

**Comments from members of the public included;**  
(summarised)

- Concerns that the application breached multiple Development Policies including protecting Wellington Town Centre, protecting the green wedge, making retail uses accessible on foot from the town centre to encourage linked trips, protecting the visual gateway approach to Wellington and reserving employment land outside Wellington;
- Concerns that allowing this application would set a precedent for Wellington in retail, economic and visual terms;
- Concerns that this application was listed as a convenience store, not a supermarket;
- Concerns with landscaping;
- Concerns with the lack of a Northern Relief Road and access to the site;
- Wellington could support another supermarket;
- Wellington would be viewed as a destination to explore rather than a sign passed on the main road.
- This development would bring much needed employment into Wellington and had received lots of support from residents;
- The site was in a sustainable location, with electric charging points on the site;
- New trees would be planted on the site;
- Traffic reduction with residents shopping locally;
- The development would create 40 new jobs

**Comments from Members included;**  
(summarised)

- There was a need in Wellington for a low-cost outlet and this application would not take trade away from the independent stores in Wellington Town Centre;
- No concerns from Highways;
- Concerns with Public safety with regards to the crossing and speed limit on the road;
- Concerns that the site was not designated for retail use;
- Traffic concerns:
- Concerns with the impact on Nynehead Court;
- Concerns with the hedge removal and trees used for screening;

Councillor Hill proposed and Councillor Lithgow seconded a motion for Full planning permission to be **APPROVED** as per Officer Recommendation with amended conditions as per the update sheet and subject to a S106 agreement. The motion was carried

95. **Latest appeals and decisions received** - Noted

(The Meeting ended at 3.15 pm)



<b>Application Details</b>	
Application Reference Number:	38/21/0464
Application Type:	Full Application
Description	Formation of vehicular access with associated works and alterations to highway at the Firepool Regeneration Site, Trenchard Way (and land to the south), Taunton
Site Address:	FIREPOOL, Land south of Trenchard Way, North of Canal Rd, Taunton
Parish:	Taunton unparished area
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 <a href="mailto:s.fox@somersetwestandtaunton.gov.uk">s.fox@somersetwestandtaunton.gov.uk</a>  Should you wish to discuss the contents of this report item please use the contact details above by 5pm on the day before the meeting, or if no direct contact can be made please email: <a href="mailto:planning@somersetwestandtaunton.gov.uk">planning@somersetwestandtaunton.gov.uk</a>
Agent:	J Price Consulting Ltd
Applicant:	Somerset West and Taunton Council
Reason for reporting application to Members:	In the interests of probity - The proposal is submitted by Somerset West and Taunton Council with assistance from Somerset County Council on a strategic regeneration site owned and due to be developed by Somerset West and Taunton Council.

## 1) Recommendation

That planning permission be **GRANTED** subject to conditions

## 2) Executive Summary of key reasons for recommendation

- 2.1 The application seeks permission for a vehicular access inclusive of pedestrian and cycle paths into the Firepool Regeneration site, off Trenchard Way. After consideration of all representations and material considerations (for example the planning history, policy support, the scope of the application, the status of Trenchard Way, funding availability, the knock-on benefits of the scheme and improved cycling infrastructure) the application is considered appropriate to be recommended for approval subject to the conditions listed at Appendix 1 to this report.

### **3) Planning Obligations and conditions and informatives**

#### **3.1 Obligations**

None

#### **3.2 Conditions (see Appendix 1 for full wording)**

- 1) Time Limit
- 2) Drawing numbers
- 3) Construction Environmental Management Plan (CEMP)
- 4) Tree protection
- 5) Landscaping scheme
- 6) Archaeology
- 7) Contamination
- 8) Surface treatments for non-adopted areas
- 9) No through access from Canal Rd
- 10) Streetlight spill mitigation
- 11) Drainage for non-adopted areas

#### **3.3 Informatives (see Appendix 1 for full wording)**

- 1) Public Right of Way
- 2) Working together
- 3) SWT Public Realm Design Guide
- 4) Network Rail Asset Protection

### **4) Proposed development, Site and Surroundings**

#### **4.1 Details of proposal**

- 4.1.1 This is a full application for the provision of highways works comprising alterations to Trenchard Way and the creation of an access into the Firepool site.
- 4.1.2 These proposals follow and amend a previously consented access scheme approved in full detail as part of an outline application (LPA ref: 38/17/0150) in 2019. The changes seek to reduce the scale of the junction and enhance the priority given to pedestrians and cyclists. Further works will be undertaken by Somerset County Council, as Highways Authority, along Trenchard Way.
- 4.1.3 The access will enter and exit Trenchard Way opposite the new Multi-Storey Railway Station Car Park, and adjacent to Lock House which is 'retirement living accommodation'.
- 4.1.4 Trenchard Way is sited at a higher level than the majority of the Firepool site and therefore the access will slope down from north to south.
- 4.1.5 It should be noted that Somerset West and Taunton Council is in this case both applicant and Local Planning Authority. The scheme has been designed

by Somerset County Council as Highway Authority, who also provide comments to the LPA on the transport elements of planning applications. The application is being brought forward by the Somerset West and Taunton Council after the site has lain dormant for many years and to provide some stimulus to unblock and unlock the site for development. Reference hereon to 'the Council' is as applicant/developer. The Somerset West and Taunton Council planning team is referred to as the 'Local Planning Authority' or 'LPA' whose defined role is to apply national and local planning policy and assess material considerations without fear or favour in order to provide a recommendation to the Planning Committee.

#### 4.2 Site and surroundings

- 4.2.1 The application site is located within Taunton Town Centre. It comprises an area of approximately 0.185 hectares (ha) as shown on the submitted site location plan.
- 4.2.2 The application site is bounded by Trenchard Way to the north and Canal Road to the south and currently comprises previously developed land. The railway station, including its recently constructed new multi-storey car park, lies to the north of the site on the other side of Trenchard Way. The site is bordered to the west by part of the Firepool site known as Block 3 and beyond further previously developed land which has recently been granted planning permission for a three storey Innovation Centre which is being developed by Somerset County Council (ref SCC/3775/2020) and is now under construction. To the east, the site is bordered by a four-storey retirement apartment building (Lock House) and residential beyond (Firepool Lock). The site is therefore surrounded on three sides by either recently constructed or consented development.
- 4.2.3 The site, along with the adjoining land described above to the north, west and east, forms part of a wider previously developed area of land known as Firepool which has been vacant for over ten years.
- 4.2.4 Formerly, the wider Firepool site comprised a livestock market, but this use ceased in 2008 and the site was largely cleared to facilitate its redevelopment. The Block 3 site and access area has since been used as a site compound for construction within the wider area, while also including the existing GWR office building which is to be retained. The existing application site is also largely fenced around the perimeter.
- 4.2.5 The application site is not within a Conservation Area, nor does it contain any Listed Buildings. However, there are a number of listed buildings in the wider vicinity, including Grade II Listed Taunton Station to the north and the Firepool Pumping Station to the east.

#### 5) **Planning (and enforcement) history**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
Somerset County Council Decision 4/38/08/223	Taunton Northern Inner Distributor Road (NIDR): Proposal for a new highway linking Staplegrove Road to Priory Avenue.	Approval	28/04/2008
Somerset County Council Decision 4/38/09/338	Link section of the Taunton Northern Inner Distributor Road across the Firepool Lock development site, consisting of 460m of distributor road, 130m of estate road and 160m of cycleway links.	Approval	24/09/2009
Firepool South - 38/10/0214	Up to 11,200 sq m of office floorspace, up to 4,475 sqm of hotel floorspace, up to 49 residential units together with associated car parking, landscaping, infrastructure and access on the southern part of the Firepool site adjacent to Priory Bridge Road, including the now constructed Viridor building which was later granted reserved matters approval pursuant to this outline.	Approval	30/11/2010
Wider Firepool Site - 38/15/0475	Outline planning application with some matters reserved for the redevelopment of the former cattle market site to provide up to 3500sqm of convenience retail development, up to 6000sqm of non-food development (class A1), up to 4000sqm of office (B1) or hotel (C1) use, up to 2400sqm for a cinema (D2), up to 2600sqm of food and drink establishments (A3/A4/A5) and up to 200 residential units with redevelopment of the former priory bridge road car park to provide up to 4014sqm of office (B1) and 4475sqm of office (B1) or hotel (C1) uses and a further 1300sqm of A3/A4/B1 (office) D2 uses with car parking, landscaping, public realm, access, highways, infrastructure works and relevant demolition.	Refusal	01/09/2016
Wider Firepool Site - 38/17/0150 <i>'the approved St Modwen scheme'</i>	Outline planning application with some matters reserved, except for access for the NIDR only, for the redevelopment of the former cattle market site to provide up to 3500sqm of convenience retail development	Approval	13/03/2019

	(Class A1), up to 6000sqm of non-food development (A1), up to 4000sqm of office (B1) or hotel (C1), up to 3900sqm of assembly/leisure (D2) and non-residential institutions (D1) (of which no more than 1500sqm shall be D1), up to 2600sqm of food and drink establishments (A3/A4/A5), and up to 200 residential units (C3) with redevelopment of the former Priory Bridge Road car park and former 84-94 Priory Bridge Road to provide up to 2964sqm of office (B1) and 5525sqm of office (B1) or hotel (C1) uses and a further 1300sqm of A3/A4/B1 (office) D2 uses with car parking, landscaping, public realm, access, (in detail for the NIDR connection) highways, infrastructure works and relevant demolition, (resubmission of 38/15/0475)		
38/21/0109/SCO	EIA Screening for 1,800 sqm, four storey office building and 300 space, four storey car park.	No EIA required	31/03/021
Somerset County Council Decision SCC/3775/2020	The erection of a three storey Innovation Centre building of 2,613 sqm floor space (Use Class E) and external car parking area.	Approval	09/02/2021
38/21/0436	Erection of an office building with ancillary ground floor commercial use (Class E), conversion and erection of extension to the GWR building to form restaurant (Class E), public realm, landscaping and associated infrastructure works on land to the south of Trenchard Way (aka The Block 3 application)	Pending	
38/21/0440	Demolition of Auction House and site clearance with temporary diversion of cycle and pedestrian route through the site, raising of ground to create platform formation levels, ground remediation, flood mitigation, primary foul and surface water drainage networks and connections for future sites/developments surrounding the site (aka The Levels and Drainage application)	Pending	

## 6) Environmental Impact Assessment

The proposal does not represent EIA development.

## 7) Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed access will not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that the development is not likely to have a significant effect on the Ramsar site should permission be granted (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

## 8) Consultation and Representations

8.1 Statutory consultees (the submitted comments are available in full on the Council's website.

Date of Consultation: 03 November 2021

Date of revised consultation (if applicable) NA

It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order. The following statutory consultees were consulted on this application:

<b>Statutory consultee</b>	<b>Comments</b>	<b>Officer comments</b>
<b>Highway Authority - SCC</b>	<p>Comments made 06 December 2021 – No objections to the location of the access. Confirms Trenchard Way is designated as the A3087, originally known as the Northern Inner Distributor Road and proposed to alleviate congestion problems in other parts of the town centre.</p> <p>Notes the previous approval of application 38/17/0150 (the St Modwen scheme), and changes to the design due to LTN 1/20 to provide cycling infrastructure.</p> <p>Ensure no through route is created to Canal Road.</p> <p>The route into the site is fully LTN 1/20 compliant, although it is recognised that the route on Trenchard Way continues the existing width (with an overall width of 3.5 metres being available).</p> <p>The future Masterplan may require further mitigation/improvements.</p>	<p>Baseline flows related to the distribution of traffic, and details relating to the method for calculating the north arm flows were requested as a result of the HA comments. These are were submitted and sent to the HA for review, and deemed acceptable.</p>

	<p>Modelling so far indicates fewer movements than that associated with the retail led St Modwen scheme.</p> <p>Baseline flows related to the distribution of traffic are required so they may be reviewed.</p> <p>Query relating to the northern arm flows of the junction serving the train station parking. The method for calculating these should be provided.</p> <p>Upon review through LINSIG, there will be some queuing on the eastern Trenchard Way approach for periods in the afternoon peak.</p> <p>A Road Safety Audit has been undertaken, raising two issues which are being reviewed, not considered fundamental to the planning application.</p> <p>A CEMP is suggested via condition.</p> <p>Comments made 17 January 2022 – Having reviewed the submitted additional information there are no objections. The Road Safety Audit has flagged two issues the designer should be aware of prior to construction.</p> <p>A CEMP is suggested via condition.</p>	
<b>National Highways</b>	No objection – “We have reviewed the supporting Transport Statement dated October 2021. Based on the scope of the application we are satisfied that it is unlikely to result in an adverse impact on the safe operation of the strategic road network, in this case M5 Junction 25”.	No action required.
<b>Environment Agency</b>	No comments to make.	No action required.
<b>Wessex Water</b>	<p>There is an existing 180mm water main in Trenchard Way and an existing 600mm surface water sewer in Canal Road which will require protection during and after construction. The Highway Authority will notify Wessex Water of the proposals under the New Roads and Streetworks Act (NRSWA) 1991. This is standard process.</p> <p>We note the highway drainage design associated with the application and need reassurance that the highway drainage does not connect directly or indirectly to any of Wessex Water’s pipes (including; combined, foul, surface water sewers or overflow pipes).</p>	Noted, these comments were forwarded to the applicant.
<b>Lead Local Flood</b>	No comments received.	The area to be adopted will drain to existing Highway drains.

<b>Authority - SCC</b>		In the absence of comments from the LLFA a condition has been imposed seeking surface water details for the non-adopted area to be submitted and agreed.
<b>Canal and River Trust</b>	No comments to make.	No action required.
<b>Network Rail</b>	<i>"...no objections in principle to the application. Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start".</i>	Noted, no further action. Applicant to note and provide notice of the start of works. Note imposed.

## 8.2 Non-Statutory Consultees

<b>Non-Statutory consultee</b>	<b>Comments</b>	<b>Officer comments</b>
<b>SWT Conservation Officer</b>	The proposed development is not considered to have an adverse impact on the setting of the following heritage assets Great Western Hotel, Taunton Railway Station and The Wheel Tapper Public House.	Noted, no action required.
<b>SW Heritage Trust</b>	<i>"The submitted Heritage Statement and archaeological WSI are sufficient to enable the significance of the archaeology on the site to be understood".</i> Condition suggested.	Noted, condition imposed.
<b>SWT Green Infrastructure Officer</b>	The proposed access prioritises vehicles rather than creating a comfortable and attractive place for pedestrians and cyclists. Apart from the verge there is no GI component. The application does not show how cyclists and pedestrians can easily and safely cross Trenchard Way to the railway station. The link should be direct, safe, legible, and attractive and examined at a larger scale considering the whole network. The access is dominated by hardscape and lacks greenery.	Noted, a landscaping condition is proposed to deal with the Lock House boundary. See main section for Officer commentary on these comments.



<p><b>SWT Placemaking Officer</b></p>	<p>In national policy terms, the NPFF gives significant importance to achieving high quality places. The priority that the government is affording to design quality has also been significantly increased in recent months with the publication of the National Design Guide and the National Model Design Code. The government's guidance and best practise on street design is set out in Manual for Street 2. This document advocates the need for streets to be designed first and foremost to reflect their 'place' function.</p> <p>At the local level, the design policies relevant to this pre-application are DM4 (Design) of the Taunton Deane Core Strategy, 2011-2028; and D7 (Design Quality) of the Taunton Deane Site Allocations &amp; Development Management Plan, 2016. In addition, the Council has recently adopted (December 2021) the Taunton Garden Town Public Realm Design Guide SPD (PRDG) and the Somerset West and Taunton Districtwide Design Guide SPD (DWDG), both of which are a material planning consideration for all planning applications. The purpose of the PRDG is to raise the standard of the public realm and street works consistently across the Garden Town showing how principles of highway design and layout can be incorporated into good placemaking.</p> <p>The scheme as presented is a generic, standard distributor road and road junction that could be found anywhere and has no respect to the setting.</p> <p>The scheme lacks any innovation or consideration of best practise and the need for multidisciplinary design teams. Referral to QRP suggested.</p> <p>Lack of compliance with design quality concerning highway and street design both at national and local level.</p> <p>Failure to fit with current Climate Emergency declared policies and the policy of Zero Carbon by 2030.</p> <p>The scheme does not prioritise a movement-based network based on enhancing walking and cycling and convenient public transport.</p>	<p>Noted, see main section for Officer commentary on these comments.</p>
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	Detailed design is poor - the detailing of the scheme is so poor with left over space and ill-considered details with no holistic vision. Suggested alternative designs given.	
<b>SWT Environmental Health</b>	No comments to make.	Noted, no action required.
<b>SCC Ecologist</b>	No comments received.	In the absence of comments, and a report which shows a low baseline for ecological interest, a condition has been imposed seeking the landscaping scheme along the Lock House boundary to include some ecological enhancement features.
<b>SWT Tree Officer</b>	Care should be taken not to damage the well-established new trees along the western boundary of Lock House, and that any new tree planting proposed in association with this application is in accordance with the council's Garden Town Design Guides.	Noted suitable conditions will be imposed.
<b>SCC Rights of Way</b>	Any proposed works must not encroach onto the width of the PROW (public bridleway), ref T33/21. Health and safety should be considered. Informative suggested.	Informative added
<b>Crime Prevention Officer – Avon and Somerset Police</b>	No comments to make.	Noted, no action required.
<b>Devon and Somerset Fire and Rescue Service</b>	No comments received.	No action required.
<b>SW Ambulance Service</b>	No comments received.	No action required.

<b>Somerset Waste Partnership</b>	No comments to make.	Noted, no action required.
<b>Taunton Disability Action Group</b>	Referring to all three applications currently pending – <i>“We are surprised that an Equality Impact Assessment isn’t done at this stage, effectively, planning permission could be given for something that does not comply with the Equality Act 2010. It would seem sensible to consider these matters at the beginning, consulting with interested parties, working together, finding solutions, avoiding problems at a later stage where things have been overlooked, as has happened with other schemes. Our input at this stage is this; the schemes must be inclusive and comply with the provisions of the Equality Act 2010”.</i>	The applicant is undertaking an EIA, however this application concerns a highway led scheme.
<b>RNIB</b>	Verbal discussion – some concerns raised over the crossing arrangement across Trenchard Way, the relationship of the cycle path to the waiting area for the signals.	Noted, however the crossing exists and any works to it do not fall within the scope of this planning application.

### 8.3 Local representation

8.3.1 This application was publicised by 96 letters of notification to neighbouring properties and 6 site notices were displayed around the periphery of the wider Firepool site on the 11/11/2021.

8.3.2 The following issues were raised in the one representation received and subsequent follow up email exchange from the Residents Association of the adjoining Lock House retirement housing development. Those that are material to the determination of the applications are addressed in substance in the material planning considerations sections of this report.

<b>Comment - Objection</b>	<b>Officer comment</b>
<b>Highway impacts</b>	
Clarification sought over references to multi-storey car park, and parking within the wider development. The amount of parking on the wider Firepool should be taken into account now. With the likely traffic movements the access should retain the two lanes approved under the St Modwen scheme.	Addressed in paras 11.4.15, 11.5.4, 11.5.6 and 11.6.9 of this report

<b>Neighbouring amenity impacts</b>	
Concern over air quality from queuing traffic.	Addressed in para 11.6.9 of this report
What happens to the hoarding?	Addressed in para 11.6.7 of this report
What happens to the land between the road and Lock House?	Addressed in para 11.6.6 of this report

8.3.3 There were no letters of support received.

## 9) Relevant planning policies and guidance

- 9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).
- 9.2 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for the local government reorganisation and regulations are currently going through Parliament with a new unitary authority for Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the new authority.
- 9.3 Relevant policies of the development plan in the assessment of this application are listed below.

### Core Strategy 2012

- SD1 - Presumption in Favour of Sustainable Development
- SP1 - Sustainable Development Locations
- SP2 - Realising the Vision for Taunton
- CP1 - Climate Change
- CP2 - Economy
- CP3 - Town and other Centres
- CP4 – Housing
- CP5 – Inclusive Communities
- CP6 - Transport and Accessibility
- CP7 - Infrastructure

CP8 - Environment  
DM1 - General Requirements  
DM4 - Design  
DM5 - Use of Resources and Sustainable Design

Site Allocations and Development Management Plan 2016

A1 - Parking  
A2 - Travel Planning  
A3 - Cycle network  
TC4 - Primary Shopping Areas  
I4 - Water Infrastructure  
ENV1 – Protection of trees, woodland, orchards and hedgerows  
ENV2 - Tree Planting within New Developments  
ENV4 – Archaeology  
ENV5 - Development in the Vicinity of rivers and canals  
D1 - Taunton's skyline  
D7 - Design Quality  
D8 - Safety  
D9 - A co-ordinated approach to development and highway planning  
D13 - Public Art

Taunton Town Centre Area Action Plan 2008

Fp1 - Riverside - Development content  
Fp2 - Riverside - Transport measures  
Tr2 – Parking in New Development  
Tr3 – Smarter Choices  
Tr4 – Travel Plans  
Tr5 – Car Sharing  
Tr6 – Developer Contributions to Transport  
Tr10 – Cycle Schemes  
F1 – Development in the Floodplain  
ED1 – Design  
ED2 – Public Art  
ED3 – Mixed Use  
ED4 – Density  
ED5 – Combating Climate Change through New Development  
ED6 – Off-site Public Realm Enhancements  
TS1 – Training & Skills  
IM1 – Priorities for Developer Funding

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021  
District Wide Design Guide, December 2021

Other relevant policy documents

Somerset West and Taunton Council's Climate Positive Planning: Interim  
Guidance Statement on Planning for the Climate Emergency (February 2021)

Neighbourhood Plans

There is no made Neighbourhood Plan for the area

### The National Planning Policy Framework

The revised National Planning Policy Framework (NPPF), last update July 2021 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development
3. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

#### **9.4 Conclusion on Development Plan**

9.5 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.

9.6 There are specific polices in the Core Strategy (CP3) Taunton Area Action Plan (Fp1) that support the development of the Firepool site, making it a strategic priority for the Council, given its transformative impacts on the Town Centre and delivery of the Garden Town objectives.

9.7 This report assesses the material considerations and representations before reaching a conclusion on adherence with the development plan as a whole.

#### **10) Local Finance Considerations**

##### **10.1 Community Infrastructure Levy**

10.2 The application is for an access which is a development type where the Community Infrastructure Levy (CIL) is not charged. As such there would not be a CIL receipt for this development.

## 11) Material Planning Considerations

11.1 The main planning issues relevant in the assessment of this application are as follows:

- The principle of development
- Prematurity – development in advance of a Masterplan
- Design of the proposal
- Access and highway safety
- The impact on neighbouring residential amenity

### 11.2 Principle of Development

11.2.1 Delivering the redevelopment of the Firepool site is one of the Council's key corporate priorities and the following three pending planning application proposals are important first steps towards achieving that objective.

11.2.2 In addition to this current application there is an application to develop Block 3, with a new office building (with retail on the ground floor) and conversion of the existing GWR building to a restaurant, plus the northern extent of the planned public realm boulevard.

11.2.3 The third application covers most of the remainder of the site for groundworks comprising site preparation for development, drainage infrastructure and raising of levels; see section 5.

11.2.4 The Firepool site has been vacant for over a decade and there is very strong support within the local community for it to be redeveloped. The proposed main vehicular access, as one of the first phases of Firepool, therefore represents a significant opportunity within a highly accessible and sustainable location.

11.2.5 The redevelopment of the application site which forms part of a key brownfield site (Firepool) within Taunton's Town Centre, is supported by the Development Plan and is an important part of its strategy for Taunton. The clear focus of long-established national and local planning policy is to secure sustainable patterns of redevelopment and regeneration through the efficient use of previously developed urban land and through concentrating development in accessible locations. Paragraph 119 of the NPPF states that local planning authorities should adopt a clear strategy for accommodating objectively assessed needs in a way that makes as much use as possible of previously developed or 'brownfield' land. Paragraph 120c states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for development needs.

11.2.6 The Development Plan echoes the rhetoric of the above. The Core Strategy (Policy SP1) makes it clear that the Taunton urban area will remain the strategic focus for growth and will be the focal point for new development. It states that priority has been given to the regeneration and expansion of the town centre, with a number of strategic sites allocated in the adopted

Taunton Town Centre Area Action Plan (2008). Meanwhile, Policy DM1 seeks to ensure new development makes the most effective and efficient use of land, giving preference to the recycling of previously developed (brownfield) land. It also sets out the scale of additional office and retail space that the vision for Taunton will require.

11.2.7 The Town Centre Area Action Plan (AAP) is essentially a delivery plan. It includes Firepool as one of its main proposals where around 60,000 square metres of new offices, 8,000 square metres of retailing and leisure uses, a boulevard linking the railway station with the River Tone and the town centre and two multi-storey car parks (including one for rail users) will be provided.

11.2.8 The proposed access is an integral feature of the opening up of the Firepool site.

### 11.3 Prematurity – Development in advance of Masterplan

11.3.1 The revised NPPF provides policy support for the application proposals. In addition to the presumption in favour of sustainable development, the following paragraphs are pertinent:

- Paragraph 38 states that decision-makers at every level should seek to approve applications for sustainable development where possible.
- Paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity.
- Paragraph 118 states that planning decisions should give substantial weight to the value of reusing brownfield land within settlements and promote and support the development of under-utilised land and buildings.

11.3.2 A new Masterplan and revised mix of uses for the wider Firepool site is being prepared and will be subject to public consultation before its adoption as a material planning consideration. It is understood the Council's objective is to commence development, starting with the application site, as soon as possible. Whilst ideally this application would have waited to be informed by a site-wide Masterplan, the LPA has little power to insist on such. The applicant points to the already approved Viridor building at Firepool South and the SCC Innovation Centre on the adjacent site as a precedent. Importantly the applicant highlights previous planning approval for comparison and the availability of substantial third-party funding to deliver the access, which presents a deadline for the commencement of works. Both matters will be further assessed later in this report.

11.3.3 The LPA must therefore proceed on the basis that this planning application should be treated on its merits and on the balance of considerations applying the relevant policies in the Development Plan, the weight that can be given to them, and all material considerations including national policy.

11.3.4 If, due to the way the access is designed in terms of geometry and location, it later causes a constraint to development potential, then any financial risk in this 'cart before the horse' approach lies with the applicant. This will



ultimately only be known post-Masterplan when planning applications are submitted for assessment.

11.3.5 Nonetheless significant weight should be given to the potential knock-on economic benefits, the value of re-using brownfield land by facilitating the actual delivery of development on a site that has lain vacant for over a decade which is supported by national and local policy.

11.3.6 It is considered that the development complies with the Development Plan when taken as a whole. The relevant policies are CS policies SD1, SP1, SP2, CP1, CP2, CP3, CP5, CP6, CP7, CP8, DM1, DM4; AAP policies FP1, FP2, TR6 and ED1, and SADMP policies A3, D7 D8 and D9, as well as policies within the National Planning Policy Framework (NPPF)

#### 11.4 Design of the proposal

11.4.1 The application contains a detailed Design and Access Statement which explains the design evolution and how the proposal would sit within the wider Masterplan.

11.4.2 Policy ED1 of the CS provides overarching policy guidance on design, seeking appropriate and sensitive responses to a site's context. However, the District wide Design and Garden Town Public Realm SPD provide more focused design criteria with relevance to the development site.

11.4.3 Policy ENV1 of the SADMP provides for the protection of trees and other green infrastructure, seeking for development to minimise its impact in this respect or otherwise providing adequate replacement tree provision to compensate. Similarly, Policy ENV2 of the SADMP seeks to encourage the planting of new trees in a development within communal areas along streets and or between buildings and on highway verges. It goes on to state that a broad mix of native and non-native trees should be provided.

11.4.4 The comments of the Local Planning Authority's Placemaking and Green Infrastructure Officers, as summarised in Section 8.3 of this report are noted as presenting the principal objections to this application. They revolve around the fundamental engineered approach to the design, and the lack of greenery.

11.4.5 The Placemaking Officer would prefer a design that contains different geometry, surfacing, landscaping approach and character that respected the place, suggesting the design concentrates the flow of traffic rather than the creation of a quality exemplar environment prioritising non-car modes to tackle the climate emergency.

11.4.6 The Green Infrastructure Officer highlights the lack of greenery which would contribute to placemaking and create an attractive area for people to move through.

- 11.4.7 The access design was not specifically discussed at a Design Review Panel session held to discuss the Block 3 proposal in May 2021 nor did it feature at a Quality Review Panel session in September 2021 when the emerging Masterplan and updated Block 3 proposal were the focus for discussion and it was intended at that time to build the St Modwen previously approved access. Pre-application discussions between the applicant and Local Planning Authority did prompt the inclusion of enhanced cycling infrastructure in accordance with Local Transport Note 1/20.
- 11.4.8 The comments of the Local Planning Authority's Placemaking and Green Infrastructure Officers have been discussed with the applicant and the scheme designer from Somerset County Council (SCC). The requirements of the Council's recently adopted Public Realm Design Guide (PRDG), which designate Trenchard Way as having to comply with 'the town standard' palette of materials was also discussed.
- 11.4.9 An alternative sketch scheme put forward by the Placemaking Officer would undoubtedly appear kinder to the eye but would require a full redesign of the submitted scheme, and this is cost and time prohibitive given an important funding deadline. Until fully drawn-up and assessed there is no guarantee it would operate efficiently for SCC to a) agree to have that design submitted as part of an application, b) raise no objections to the design via the assessment of the planning application. Total conformity with the PRDG also attracts issues with adoption in that a higher maintenance burden would be placed either on SCC, which is resisted, or via commuted sum to the Firepool development, which is also resisted. The PRDG will continue to raise issues with SCC, as Highway Authority, given its prescriptive tone for how developers are instructed to approach treatment of highway land managed by the Highway Authority.
- 11.4.10 The Case Officer has been informed the risk is too great for 'the Council' as applicant to agree to this course of action at this time, and so the design remains unaltered save for concession and agreement to two conditions. The first will require the submission of a landscaping scheme along the Lock House boundary and the second will deal with the part of the access that is not to be adopted by SCC as Highway Authority. This will enable a contrast between the to be adopted traditional SCC maintenance-led designed area and the private road that will be under the control of the landowner then developer/management company, meaning a broader palette of materials can be used in accordance with the Public Realm Design Guide and that can blend with the other private areas in Block 3 for example.
- 11.4.11 Material to the Case Officer's conclusions is the fact that the vast majority of the red line area, setting out the area relevant to the application, is land already within the highway. As such much of the work that is proposed is shown for completeness, but could otherwise be undertaken by SCC, as Highway Authority, utilising its own permitted development powers (as is the case currently at Toneway). Importantly one area of concern, the crossing from Firepool to the Railway Station is not within the red-line. However, the LPA has to determine the application before it, not another.

11.4.12 Material to the Case Officer's conclusions is the fact the highway adoption limits to this application are drawn tightly to the back-edge of the footway/cycleway, meaning there is still plenty of roadside frontage within the Firepool site to secure substantial landscaping and public art as part of the Masterplan process and as future applications come forward. As referred to above, an area alongside the Lock House boundary can be landscaped now as it will unlikely be further influenced by the Masterplan process, given its peripheral location. The applicant is also contacting GWR to see if greater tree coverage could be provided to the frontage area of their new multi-storey car park which has arguable a greater visual impact on the streetscene than this access will.

11.4.13 Also material to the Case Officer's conclusions one is reminded of the 'approved St Modwen scheme', ref 38/17/0150 which was granted permission within the last 4 years. This retail led scheme commanded a larger junction to deal with more movements than are now expected in the emerging Masterplan. It was the applicant's preferred option to implement that approved access from the St Modwen scheme but legal complexities caused by the discharge of conditions connected to the residential permission meant that permission is not implementable without phosphate mitigation for the residential elements of the St Modwen scheme. As a consequence, and in order to progress development this new stand-alone application for an access which does not require phosphate mitigation was submitted. The proposed junction occupies less space, requires less hardstanding and therefore is less visually dominating in the area than that previously accepted as appropriate. It also contains much improved cycling emphasis over that approved scheme.

11.4.14 Indeed, the removal of a traffic lane has provided the opportunity to enhance pedestrian and cycle access across and to and from the southern arm.

These enhancements are set out as follows:

- The introduction of a cycle route (with a separate northbound and southbound cycle lane) on the eastern side of the junction linking with the site of the Wider Firepool Proposals (a footway is also included on the western side of this arm);
- Provision of a direct single stage signal control cycle crossing, with width for eastbound and westbound movements just south of the junction mouth; and,
- Provision of an, in parallel, single stage pedestrian crossing immediately south of the cycle crossing.

11.4.15 The introduction of these measures improves east west pedestrian journey times through the introduction of a single stage crossing (i.e. rather than a staggered crossing as previously proposed). Furthermore, the introduction of a separate cycle crossing and additional segregated cycle link into the site also enhances cycle access.

- 11.4.16 The Residents Association of the adjoining Lock House development has urged the applicant to revert to the two-lane design. There appears to be no support for that.
- 11.4.17 It is also material that Trenchard Way was formally known as the Northern Inner Distributor Road, built for a strategic function. The planning applications that established the design and permission for the NIDR were determined by Somerset County Council – 4/38/08/223 and 4/38/09/0338, in August 2008 and September 09 respectively. The approved plans illustrate the traditional SCC maintenance-led design and the unimplemented approval for an equally engineered access into Firepool where the Innovation Centre is now to be located. Opened as recently as 2017 as a through route the road is now named after Hugh Montague Trenchard – the Taunton-born founder of the Royal Air Force. The design concept for Trenchard Way is therefore well established, albeit only recently fully implemented, hence the SCC and applicant reticence for a fundamental redesign.
- 11.4.18 Lastly, any consideration can be material, it is for the decision-maker to decide what weight to apply. The scheme is due to receive £408,000 from a Government 'Getting Building Fund, approved by the Local Enterprise Partnership (LEP). The window for drawing this down and spending this grant is near its end and the access project is heavily/totally reliant on that funding. Without it, the wider scheme, which has been hampered by viability for decades, will only be further prejudiced by having to bear the full cost of the access.
- 11.4.19 The Case Officer has set out the concerns raised but also those matters considered material to the planning balance.

## 11.5 Transport, Highways and Active Travel

- 11.5.1 The Firepool site is an inherently sustainable site by reason of its location and opportunity to foster and promote sustainable and active travel for future residents, customers and visitors but also for those surrounding the site by way of the connecting linkages and sustainable/active travel initiatives. This proposal does not solve all current connectivity issues, nor does it set out to alone, but it does provide a piece of the larger jigsaw which through the Masterplan will deliver much improved connectivity.
- 11.5.2 It is accepted that the creation of a vehicular access can itself raise questions regarding sustainability, but this project is a small part of the much wider Firepool proposals which will bring about substantial opportunities for modal shift. Indeed, Firepool already has good connections to the National Cycle Route and those cycle routes associated with Trenchard Way, this access and the north south connection it provides facilities more connectivity to this growing network.
- 11.5.3 The majority of the design issues have been addressed in the previous section.

- 11.5.4 The Residents Association of the adjoining Lock House development has raised the issue of parking. The points made are noted but as this application is for access only it does not concern itself with parking provision on the wider Firepool site, other than allowing access to a quantum of parking at some point in the future to be resolved via the Masterplan and future planning applications.
- 11.5.5 One further consideration is the fact the application unintentionally proposes an unfettered means of access to the Firepool site. It is also clear from a concurrent pending application that the access subject to this application is to serve Block 3 in the future. Block 3 is to be initially constructed and serviced via Canal Rd. As such there is the potential, albeit unlikely that without suitable provisions Canal Road and Trenchard Way could become linked. In the absence of the site wide Masterplan there is also no definitive position as to the likely volume and nature of traffic that could use this access.
- 11.5.6 As explained above, the previous approval for a larger 2-lane access under application 38/17/0150 is a material consideration in this application. From that we know that approved access was to serve significantly more traffic than is now being suggested via the merging updated Masterplan. Nevertheless, it would seem sensible to set some parameters in this initial approval of the access in order to be able to judge other proposals beyond Block 3 which will utilise this access. A suitable condition is proposed.
- 11.5.7 The comments made by SCC Public Rights of Way Team are noted; the application red-line does not overlap the PROW but the general informative will be added.
- 11.5.8 It is therefore considered that the access facilitates objectives that comply with policies within the National Planning Policy Framework (NPPF) as well as CS policies SD1, SP1, SP2, CP1, CP2, CP3, CP5, CP6, CP7, CP8, DM1, DM4; AAP policies FP1, FP2, TR6 and ED1, and SADMP policies A3, D7 D8 and D9.
- 11.6 Impact to Adjacent Residential Properties
- 11.6.1 In this regard issues relating to traffic noise and visual amenity from a completed access, and construction impacts are considered.
- 11.6.2 CS Policy DM1 outlines that potential noise pollution which could adversely impact amenity of residents or occupants of a site should be appropriately dealt with. In this case the issue of noise from this proposed access to the neighbouring Retirement Living Accommodation requires assessment.
- 11.6.3 The benefit of master planning areas like Firepool Lock is that one can respond to potential design issues and scenarios in advance of constructing a building to futureproof and safeguard future residents' amenity. In this case Lock House was approved in advance of Trenchard Way being fully

completed and therefore before the full extent of traffic was being experienced and in advance of 'the St Modwen scheme' being approved with its access immediately adjacent.

- 11.6.4 The outline permission for Lock House secured noise mitigation measures which in effect up-rated the acoustic quality of the windows to be installed to certain elevations to temper traffic noise to the north from Trenchard Way and to the west from the new Firepool access. As such it is considered that same (now installed) mitigation is sufficient to off-set any impacts from this modified access. All future proposals within the wider Firepool site will still need to consider the impact on residential amenity of existing and proposed future residents.
- 11.6.5 As was intended at the time 'the St Modwen' scheme was approved, there will be a small verge area between the back-edge of the footway/cycleway to the boundary with Lock House. Lock House, along its western boundary, as a small area of approx. 2m of defensible space contained by walling and hedging interspersed with several trees. Lock House has four storeys and 7 apartments looking solely west over the access (and beyond towards Block 3, whilst another 8 apartments look west but also have views either south or north as they are corner units. The vast majority of the units have access to a balcony.
- 11.6.6 The applicant has provided cross sections showing the relationship of the access road to Lock House. The fact the access road will slope does aid this relationship and a scheme of planting will be secured via condition to infill the gap between the highway and the Lock House boundary. Overall, it is considered the visual impact of this proposal is lessened over 'the St Modwen' scheme in accordance with ENV2 and ENV1 of the SADMP.
- 11.6.7 Given the ground levels and need therefore for excavation there is likely to be some concern over the construction period in terms of noise, dust and hours of operation. It will be important the applicant consults with the Lock House residents in drawing up a Construction Environment Management Plan to be required via condition. This may result in the hoarding being utilised for longer as a baffle to the site works before removal and replacement with a landscaped treatment.
- 11.6.8 Policy DM1 of the Core Strategy and D8 of the SADMP supports the use of appropriate lighting in developments. CS Policy DM1 seeks to resist unacceptable impacts from lighting schemes on the surrounding environment, while SADMP Policy D8 seeks to foster a safer public realm via the provision of lighting. The adoptable areas will receive streetlighting, and existing columns will be relocated to suit the new alignment of the road. One column has potential for impacting residents of Lock House, more than others, and so will received a baffle to prevent backlighting. All other lighting of the non-adopted area will be conditioned.
- 11.6.9 A Lock House resident has raised issues concerning air quality, from traffic queuing on the new access road, particularly when leaving the site. This

relates to the fact the design has changed from two exit lanes to one, and the perception that will result in more fumes from idle traffic. As discussed previously the design now reflects the future aim to see the quantum of parking and therefore traffic reduce over and above the 'the St Modwen' scheme. The resident points to the local consultation recently undertaken and the suggestion for a future Multi-Storey car park and other parking for future housing in support of this argument. What ultimately comes forward in the future will depend on the approved Masterplan and of course future applications which are better placed to monitor the potential impacts on air quality from the cumulative use of this access.

11.6.10 It is considered suitable mitigation over and above the approved scheme, safeguards residential amenity in accordance with Policy DM1 of the Core Strategy and D8 of the SADMP.

## 11.7 Other Issues

11.7.1 Flooding and Drainage - The access area falls within Flood Zone 1 (the zone of lowest risk). Whilst the site-wide Masterplan will seek to establish a comprehensive SuDS led strategy, the access will drain to existing highways drainage and the non-adopted area will drain to temporary arrangements, until the wider scheme is approved, to be agreed via condition. SADMP Policy 14 is relevant.

11.7.2 Heritage and Archaeology - There are a number of designated heritage assets in the immediate vicinity surrounding the site including the Firepool Pumping Station, a cluster of buildings around Taunton Station, GURDS and the Former Shirt and Collar Factory Premises of Barnicotts Limited Printers, all of which are Grade II Listed, plus Staplegrove Road Conservation Area. These heritage assets will not be adversely impacted by the proposal. SADMP policy ENV4 is relevant.

11.7.3 With respect to archaeology, a Written Scheme of Investigation (WSI) has been submitted. A condition refers to its implementation.

11.7.4 Ecology - An accompanying Ecological Statement describes the access area as of low ecological interest and opines there will be no impact on designated sites in the area. While acknowledging the low species diversity on site, it goes on to recommend possible mitigation measures for birds using the scrub for nesting, as well as advocating for the provision of bird and bat boxes around and near the site.

11.7.5 In light of a court Judgement (known as Dutch N), Natural England have advised the Local Planning Authority that in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should undertake a Habitats Regulations Appropriate Assessment. However, the application proposals do not contain any of the uses which would give rise to an increase in nutrient loadings at the wastewater treatment works and so a

project level Appropriate Assessment is not required to be undertaken in this case (see Paragraph 7 above).

- 11.7.6 Ground Conditions - The submitted ground report confirms that there is limited contamination on the Site which is generally to be capped by hardstanding and buildings, with limited soft landscaping and no specific remediation measures required. The report concludes that a watching brief should be maintained during site works to ensure any unexpected contamination is dealt with correctly. This can be covered by condition.
- 11.7.7 Impact on the Canal – Policy ENV5 of the SADMP is relevant. No impacts are envisaged. The access opens out a public view of the canal and lock which is considered a benefit.

## **12) Planning Balance and Conclusion**

- 12.1 Delivering the redevelopment of the Firepool site is one of the Council's key corporate priorities and this planning application proposal is an important first step towards achieving that objective. The Firepool site has remained vacant for over a decade and there is very strong support within the local community for it to be redeveloped. A new Masterplan and revised mix of uses for the wider Firepool site is being prepared and the Council's objective is to deliver the site itself, starting with the commencement of work on the application site as soon as possible.
- 12.2 Whilst that Masterplan is being produced this planning application should be treated on its merits and on the balance of considerations, applying the relevant policies in the Development Plan, the weight that can be given to them, and all material considerations including national policy. It is concluded that the proposal accords with the Development plan, read as a whole.
- 12.3 Significant weight should be given to catalytic effects of this proposal to finally realise the economic benefits of the wider proposals, the value of re-using brownfield land, the intended high quality of the overall regeneration project and that the application will facilitate the actual delivery of development on a brownfield site that has remained vacant for over a decade.
- 12.4 The recorded concerns and objections have been replicated, explained, and assessed in this report, balanced against a series of material considerations.
- 12.5 It is considered that the benefits of the scheme outweigh those concerns. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to the stated conditions set out in full in Appendix 1.
- 12.6 In preparing this report the Case Officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.



## Appendix 1 – Planning conditions and informatives

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 and documents:  
DrNo MJ004049-PL-0009 RevC – Planning Application Red Line and Blue Line Plan  
DrNo MJ004049-PL-0011 – Site Plan  
DrNo MJ004049-PL-0007 – Location Plan  
DrNo MJ004049-PL-0001 RevA – General Arrangement  
DrNo MJ004049-PL-0002 RevA – Kerbing and Footway/Cycleway Surfacing Plan  
DrNo MJ004049-PL-0003 RevA – Drainage  
DrNo MJ004049-PL-0004 RevB – Cross Section  
DrNo MJ004049-PL-0005 RevA – Cross Section  
DrNo MJ004049-PL-0006 RevA – Cross Section  
DrNo MJ004049-PL-0008 RevA – Street Lighting and Traffic Signals  
DrNo MJ004049-PL-0010 RevA – Longitudinal Sections  
DrNo MJ004049-PL-0014 – Planning Application Adoption Extents  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for the works (or defined phase of works as agreed in writing by the Local Planning Authority) has been submitted to and approved in writing by the local planning authority. In discharging this condition, the following information shall be supplied:
  - a) Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of that phase or sub phase;
  - b) Construction vehicle routes to and from site including any off-site routes for the disposal of excavated material;
  - c) Construction delivery hours;
  - d) Expected number of construction vehicles per day;
  - e) Car parking for contractors;
  - f) A scheme to encourage the use of Public Transport amongst contractors;
  - g) Measures to avoid traffic congestion impacting upon the Strategic Road network.
  - h) Details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures;
  - i) The control and removal of spoil and wastes;
  - j) Measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities;
  - k) The proposed hours of operation of construction activities;
  - l) The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;

- m) Sound attenuation measures incorporated to reduce noise at source;
- n) Details of measures to be taken to reduce the generation of dust;
- o) Any other measures to maintain the amenity of adjacent neighbours; and
- p) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.

The approved Construction Environmental Management Plan shall thereafter be implemented in full and maintained throughout the duration of the works (or phase thereof) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to protect the amenities of nearby properties during the construction of the development and to protect the natural and water environment from pollution in accordance with National Planning Policy Framework and Policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.

4. Prior to commencement of the development details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or tree and/or hedging on adjoining land from damage before or during the course of development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not adversely impact upon existing vegetation in accordance with Policy CP8 of the adopted Taunton Deane Core Strategy.

5. Prior to the first use of the access road hereby approved a scheme of landscaping for the Lock House boundary, inclusive of ecological enhancement, shall have been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be fully implemented within the first planting season following the first use of the access road hereby approved. Any trees or plants which within a period of 10 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure provision of an appropriate landscaping scheme, and to ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy CP8 of the adopted Taunton Deane Core Strategy.

6. Prior to any excavations within the Watching Brief area (as defined in the WSI) a programme of archaeological work shall be implemented in accordance with the submitted Written Scheme of Investigation (WSI - Cotswold Archaeology October 2021) which has been submitted to and approved by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the WSI.

Reason: The site has been identified as of possible archaeological interest and therefore as requiring further archaeological investigation in accordance with section 16 of the National Planning Policy Framework and Policy CP8 of the adopted Taunton Deane Core Strategy.

7. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority, a remediation strategy detailing how this unsuspected contamination shall be dealt with.  
Reason: To protect controlled waters in accordance with Policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.
8. Notwithstanding approved plan MJ004049-PL-0002 RevA the area of the access road not to be adopted public highway as shown on drawing MJ004049-PL-0014 shall be subject to scheme of alternative surface finishes. Such a scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented prior to the first use of the access road.  
Reason: In the interests of visual amenity in accordance with Policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.
9. Save for pedestrian and cycles, the access road hereby approved shall not be brought into use by vehicles until such time as a scheme setting out the areas within the wider Firepool site to be accessed by vehicles has been submitted to and approved by the Local Planning Authority. The said scheme shall prevent through traffic from Canal Road, Priory Bridge Rd and/or via the bridge from/to Youngman Place. The access road shall thereafter only be used in accordance with the approved scheme. The scheme may be varied over time through submissions to and approval in writing by the Local Planning Authority, but no new areas of the Firepool site shall be served by vehicles using the approved access road until and unless suitable mitigation is agreed with the Local Planning Authority and fully implemented.  
Reason: To ensure orderly use and operation of the highway and to ensure planned development in the interest of residential amenity, highway safety and comprehensive development to accord with Policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.
10. The proposed streetlight shown on the eastern side of the proposed access road, adjacent to Lock House, as shown on approved plans MJ004049-PL-0001 RevA and MJ004049-PL-0008 RevA shall be fitted with a rear baffle to prevent backlighting to adjacent residential properties. Such mitigation shall be in place before first operation of the streetlight.  
Reason: In the interests of residential amenity in accordance with Policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.
11. No development on the area of access road not to be adopted as public highway as shown on drawing MJ004049-PL-0014 shall take place until a detailed scheme for surface water drainage for that area of the access road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully completed prior to the first use of that element of the access road and thereafter be managed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To adequately respond to the risk of flooding to accord with Policy CP1 of the adopted Taunton Deane Core Strategy.

## Notes

1. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted a footpath is built on or otherwise interfered with.
2. In accordance with the National Planning Policy Framework the Council has worked in a constructive and pro-active way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.
3. With Regards to Condition 8 the applicant is directed to the Council's adopted Public Realm Design Guide.
4. With regards to Condition 9 it is intended a 'scheme' would entail written clarification and drawings to illustrate how through traffic from Canal Rpad to Trenchard Way and visa versa would be prevented in the scenario that Block 3 and the access subject to this application are both built out, this may be phased to an initial scheme, medium term and 'final' state depending on progress and implementation of future applications led by the Masterplan process.
5. The applicant is advised to contact Network Rail Asset Protection Team via [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk) at least 3 months before works commence to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required.

18/21/0017

MR P FINEBERG

**Variation of Condition No. 02 (approved plans) of application 18/20/0014 at Birch Cottage, Halse Road, Halse**

Location: BIRCH COTTAGE, HALSE ROAD, HALSE, TAUNTON, TA4 3AQ

Grid Reference: 314115.128118 Removal or Variation of Condition(s)

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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 the original permission, 18/20/0014, the 26th October 2023

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

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

(A3) DrNo 2020018 001 Rev As Built Location and Block plan

(A3) DrNo 2020018 001 Rev A Location and Block plan

(A3) DrNo 2020018 003 Rev A Existing and Proposed Site plan layouts and proposed Garage

(A3) DrNo 2020018 003 Rev A As Built Pre Build Layout, as built position of dwellinghouse

(A3) DrNo 2020018 004 Rev As Built Proposed Floor plans & LLong Section & 2 Bay Oak Frame Garage

(A3) DrNo 2020018 004 Rev A Proposed Floor Plan & Long Section

(A3) DrNo 2020018 005 Rev As Built Proposed Elevations

(A3) DrNo 2020018 005 Rev A Proposed Elevations

(A3) DrNo 2020018 006 Rev As Built Existing and Proposed Streetscene

(A3) DrNo 2020018 006 Rev B Existing and Proposed Streetscene

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

3. (i) The landscaping/planting scheme shown on the submitted plan shall be

completely carried out within the first available planting season from the date of commencement of the development.

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

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

4. Prior to occupation, 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 or having access to their resting places. 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 from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

5. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. In no circumstances should netting be used to exclude nesting birds.

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

6. Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming

these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

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

7. The following will be integrated into the design of the dwelling:
- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west elevation
  - b) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling.

Photographs of the installed features will be submitted to the Local Planning Authority prior first occupation of the dwelling.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

8. The birch trees on site shall be retained and protected during the build in accordance with BS5837 and should not be pruned without consent.

Reason: To ensure the protection of the trees in the Conservation Area.

9. 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 or alterations shall be added to the building other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

10. The parking space/s in the garage 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.

Reason: To retain adequate off-street parking provision in the interests of highway safety.

#### Notes to Applicant

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

## Proposal

Permission is sought for the variation of condition no.02 (approved plans) of application 18/20/0014.

The variations include:

- The removal of a window at ground floor and the addition of a roof light on the eastern elevation
- The reduction in the amount of glazing on the southern elevation at first floor to be replaced by double doors and a Juliet balcony.
- The building has been built approximately 1.4m south and 1.6m east of the approved location
- garage to be relocated from adjacent to the property to the north.

## Site Description

The site is located on the south side of Halse Road. At the time of the site visit the main dwelling was under construction but the garage was not yet built. A caravan was located to the north of the site. Sunnyside is located to the north, to the west lies willow cottage while to the south and east lies agricultural land. The site lies within the Halse Conservation Area.

## Relevant Planning History

18/20/0014 - Replacement of single storey dwelling and garage with 1 no. detached dwelling with detached garage and associated works and extension of residential curtilage. - Granted 26/10/2021.

## Consultation Responses

*HALES PARISH COUNCIL* - objects:

- Loss of privacy for Willow Cottage
- set a dangerous precedent for any future developments
- preferred outcome is the property reverts to the original specifications

*HERITAGE* - No comments received.

*TREE OFFICER* - No further comment.

*SCC - ECOLOGY* - No comments received

*LANDSCAPE* - Objection

- no objection in landscape terms to the “as built” position of the dwelling, and the changes to the south elevation would result in betterment over the existing,
- The proposed position of the garage will harm the character of the Halse Conservation Area landscape over and above that of the approved layout.
- Permitting the development would conflict with the aims of local plan policies



CP8, DM2, and paragraphs 130 and 199 of the National Planning Policy Framework (NPPF), and as a consequence, there is a landscape objection.

- It is recommended that the garage is moved forward to allow room for a hedge, as it was shown in the original application.
- slightly further back from the public highway will have negligible effect on the landscape and visual amenity of the area over that of the baseline approved plans.
- it is recommended that the garage is moved forward to allow room for a hedge, as it was shown in the original application
- the proposed position of the garage on the site boundary, would fragment, and erode the quality of the orchard boundary and harm the character of the Halse Conservation Area, over above, that shown in the existing approved layout.

Comments received on the 14/01/22 - The amendments have fully addressed the landscape concerns previously raised, and there is now no objection to the proposed development

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing Advice

*WESSEX WATER* - No comments received

*PLANNING ENFORCEMENT* - Open case.

## **Habitats Regulations Assessment**

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the proposed development is a replacement dwelling it does not increase the living accommodation on the site and will not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017

## **Representations Received**

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

- built contrary to approved
- now overlooks Willow Cottage rather than being on the rear property line
- not the first retrospective application
- ensure the house is built to the approved plan in all respects
- sets a dangerous precedent for any future development in the village
- originally moved forward on planning officer advice to avoid overlooking
- should go to committee
- plans show as built closer to the approved position than it really is.
- is approximately 5ft further back from the road than originally approved

- has been built closer to Willow Cottage than approved
- should have been built on the building line along Halse Road
- result in a loss of privacy
- if permission is granted the developer must incorporate obscure glass in the windows on both floors to ensure privacy levels.

One letter received from Cllr Wren making the following comments (summarised):

- Not constructed in accordance with approved plans
- now behind the approved line so it now overlooks the rear of neighbouring Willow Cottage
- Degree of overlooking is not great, the fact is the rear of Willow Cottage can now be viewed from the first floor of the new dwelling

## **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). Where they are formally adopted, Neighbourhood Plans form part of the development plan under section 38(6).

The Somerset West and Taunton Design Guide is a material consideration, having been adopted by the Council as SPD in December 2021.

The National Planning Policy Framework 2021 (the NPPF) is a material consideration.

Relevant policies of the development plan are listed below.

D7 - Design quality,  
 D10 - Dwelling Sizes,  
 A1 - Parking Requirements,  
 D12 - Amenity space,  
 C01 - Corfe Farm,  
 DM1 - General requirements,  
 ENV1 - Protection of trees, woodland, orchards and hedgerows,  
 CP1 - Climate change,  
 CP8 - Environment,

## **Determining issues and considerations**

The main considerations in determining the application are the principle of development, its impact upon the conservation area and the impact upon the

neighbouring properties.

### Principle of development

The principle of development and the design of the dwelling has already been established under application 18/20/0014. Therefore the main concern is whether the relocation of the house and garage is acceptable.

### Impact on the Halse Conservation Area

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

The proposed relocation of the garage and house and the alterations to the window on the southern elevation are not considered to have a detrimental impact upon the setting of the conservation area. The garage has been relocated to allow a continuous hedgeline along the eastern elevation and when viewed from the road only glimpses of the timber gable will be visible.

### Impact on residential amenity

The proposed building has been built approximately 1.4m south and 1.6m east of the originally approved application. There are no windows proposed on the western elevation at first floor level, the house is at a lower level than the neighbouring Willow Cottage and is therefore considered that the proposed doors would not have a significant impact upon overlooking in the new location.

A number of comments raise concerns regarding the overlooking of Willow Cottage from the new location. The approved location was forward of the rear building line and the "as built" is approximately 1m to the rear of Willow Cottage. Whilst the building has been located away from the boundary the windows now look towards the rear of Willow Cottage. The window in question is the 2nd bedroom window facing north. As shown on plan 2020018 AB A - existing, proposed and as built positions of dwelling house, the site lines into Willow Cottage from the dormer windows would be contrived.

### Impact on visual amenity

The proposed alterations to the southern elevation reduce the amount of glazing on the gable and are considered an improvement. The garage has been relocated from adjacent to the proposed dwelling to the north, there is no increase in footprint or the number of buildings

### Additional Matters

Following discussions with the agent the garage has moved further east to allow a

continuous hedgeline along the eastern boundary as per the recommendations of the Landscape Officer, as a result there is now no objection from the landscape officer.

In conclusion it is acknowledged that it is disappointing to neighbours and local communities when proposals are not built fully in accordance with approved plans, both in relation to its position on plot and window detail on the southern elevation. However the recommendation for granting planning permission is based upon an objective assessment of the impact of the development upon the residential amenity, the street scene and the character of the Halse Conservation Area. It is on that basis that officers conclude that the proposal, as built, is acceptable and recommend that conditional planning permission be granted.

It is therefore recommended that planning permission be granted

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

**Contact Officer: Briony Waterman**

31/21/0021/T

MR JAMES

**Application to carry out management works to one Oak tree included in Taunton Deane Borough (Ruishton No.1) Tree Preservation Order 2008 to the rear of 40 Newlands Road, Taunton (TD1051)**

Location: 40 NEWLANDS ROAD, RUISHTON, TAUNTON, TA3 5JZ

Grid Reference: 326652.124632 Pruning of Tree(s) covered by TPO

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## **Recommendation**

**Recommended decision: Conditional Approval**

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

1. The proposed work shall be completed before the expiration of two years from the date of this permission.

Reason: To ensure that the works hereby approved are carried out in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012

2. The following works are approved:

Oak tree T1 of TPO TD1051 - crown-reduce overall height and spread by 3-4 metres branch length to available growth points.

Reason: To reduce the risk of further branch losses, and to enable the tree to be retained and managed for its future environmental benefits.

### Notes to Applicant

1. WILDLIFE AND THE LAW. Any activities undertaken on trees must take into account the protection afforded to wildlife under UK legislation.

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

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Conservation of Habitats and Species Regulations 2017 (as amended), also known as the Habitats Regulations, and by the Wildlife and Countryside Act 1981 (as amended). It is an offence to damage, deliberately destroy or obstruct access to structures or places of shelter or protection used by bats, or recklessly or intentionally disturb bats while they are using these places.

TREES with features such as rot and woodpecker holes, split branches or gaps behind loose bark, or covered with ivy with stems over 50mm may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (tel. 0300 060 3900). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

## **Proposal**

To crown-reduce one mature oak tree protected by Tree Preservation Order by 3 to 4 metres branch length, height and lateral spread.

## **Site Description**

The tree is growing to the rear of 40 Newlands Road, and due to its size and location overhangs six other gardens in Newlands Road and Coronation Close.

## **Relevant Planning History**

The previous application to prune the tree was made in 2019, reference 31/19/0018T.

## **Consultation Responses**

*RUISHTON & THORNFALCON PARISH COUNCIL* - No comment.

## **Habitats Regulations Assessment**

Not required for this application.

## **Representations Received**

One (near neighbour at 36 Newlands Road), objecting to the application for the

following reasons:

- a) It is alleged that the TPO is invalid due to errors in the process of serving and confirming it in 2008;
- b) The letters received regarding the two current applications are the first to have been received from the council with regards to the tree;
- c) The trunk of the tree blocks the shared access to the rear of the property;
- d) The proposed 3 metre reduction would not make the tree acceptably safe and would not resolve the issue.

## **Planning Policy Context**

### **Local finance considerations**

### **Determining issues and considerations**

The issue with this application is whether the proposed works are justified and in accordance with good arboricultural practice.

The tree in question is a large, mature English Oak, thought to be in excess of 100 years old. It is the largest tree in the area, and one of the largest in Ruishton parish.

The tree is growing to the rear of 40 Newlands Road, outside of the rear fence line but in a shared access corridor that runs between the rear of properties in Newlands Road and Coronation Close. Due to its size and location it therefore overhangs (to varying degrees) 36, 38, 40 and 42 Newlands Road and 17, 18 and 19 Coronation Close. Ownership of the tree has not been fully confirmed but it appears that the boundary line between 40 Newlands Road and 18 Coronation Close may pass through the substantial trunk of the tree, with the majority probably on the Newlands Road side. It is approximately 17 metres from the conservatory of 40 Newlands Road (21.5 metres from the house), and 28 metres from the nearest house in Coronation Close. Under the current guidance for trees in proximity to development (BS5837), the houses would be considered far enough away from the tree and sufficiently outside its notional Root Protection Zone, using the British Standard's guidance. In urban and suburban areas it is not unusual for large trees to overhang private gardens and to be in close proximity to buildings.

Early in September 2021 the tree shed a primary limb from the lowest tier of limbs at about 4 metres above ground level. The limb fell into the garden of 19 Coronation Close, whilst still being partially attached to the trunk, and has remained there since. The limb was shed on a calm day when there was no wind.

Initial assessment, by Arboricare, as to the cause of the limb failure concluded that it was likely due to a phenomenon known as 'summer branch drop', probably exacerbated by the extended length and weight of the branch. No significant decay was found in the wound, or at the base of the tree, where tests were carried out using a Resistograph, which measures the amount of resistance in the wood and therefore the extent of sound wood or decay in the tree.

'Summer branch drop' is a term used to describe the phenomenon where branches on mature trees are shed even though there are no obvious reasons such as decay,

disease or high winds. It is generally associated with late summer after periods of hot and dry weather, and as the application states is quite common in oak trees, as well as other species such as cedar or sweet chestnut.

A small amount of *Armillaria* (Honey Fungus) mycelium was identified in the soil during the initial assessment, but there is no evidence that it is affecting the oak tree - this fungus is generally prevalent in gardens.

A potential crack was found in the low limb overhanging the garden of number 40 Newlands Road. Although on closer inspection this was considered not to be serious, it was decided to shorten this branch almost to the main trunk, to be sure that any risk was removed.

Although the branch that fell would have been lethal had it hit someone, statistically the risk of death or serious injury caused by 'summer branch drop' is very low, thought to be less than one in one hundred million (less than a short car journey).

Given the size, age and the environmental importance of this tree, combined with the lack of evidence that it is in poor health, the application's proposal to manage the risk of further branch losses by significantly reducing the crown of the tree by 3-4 metres branch length is considered reasonable and preferable to felling the entire tree. Such a crown-reduction would significantly reduce the sail area of the tree and the end weight of the branches, thereby lessening the forces on the main unions. The re-growth could then be managed in the future as required, depending on the rate of growth. Although this would result in on-going expenses, the presence and likely growth of the tree has always been known to the owners and surrounding neighbours, as the tree has been mature for many decades.

In response to the points raised in the objection:

a) When the TPO was served in 2008, letters were sent to the properties immediately around the tree that were considered to be 'adjoining properties' to the main owners at 40 Newlands Road. Whether number 36 represents an adjoining property because of the shared access is open to debate and interpretation. As the 2006 guidance stated, '*Adjoining land*' is intended to mean land which has a common boundary with the parcel or parcels concerned' - number 36 does not adjoin number 40. Advice recently received from the Council's legal team has concluded that number 36 did not need to be served with notice of the making and confirmation of the 2008 Order, as it was not an adjoining property, and therefore there has been no failure to meet the requirements of the 1999 Regs which were in force at the time. In any event, the Council does not consider that there has been substantial prejudice to number 36 in this case arising from the making of the Order. It should also be noted that any challenge to the High Court should be made within 6 months of confirmation of the TPO, which was served thirteen years ago.

In practical terms, if there was any doubt about the validity of the current TPO the Council could serve a fresh TPO to protect the tree, at which point all those affected would be notified.

b) According to the Council's records, a consultation letter was sent to 36 Newlands Road in 2019 when the previous application to prune the tree was made (31/19/0018T). Amongst the documents for this application is an email from Mr Sawyer with regards to the agent's quote for the proposed works. The current



applications are therefore not the first formal contact between the Council and Mr Sawyer regarding this tree;

c) Although the trunk of the oak tree does fill much of the shared access to the rear of 38 and 36 Newlands Road, there is still space to pass between the tree and the fence - just under a metre. (Unfortunately the garden of 38 extends further than that of 40). The issue of the raised roots could be improved by either cutting of the roots or application of a surface such as gravel - subject to a more detailed assessment on site;

d) It is not easy to quantify the increased safety provided by reducing the tree by 3 to 4 metres, but this method of reducing risk of branch failures (crown-reduction) is described and recommended in the British Standard for Tree Works BS3998 (2010). A Quantified Tree Risk Assessment (QTRA) could be carried out by a suitably qualified professional, at some expense. Details of the QTRA approach can be seen in the internet.

To conclude, it is therefore recommended that the Council grants conditional approval for the tree to be crown-reduced by 3 to 4 metres. It is recommended that further detailed assessment of the main unions at 4-5 metres above ground level is carried out. If any further evidence is gathered that may affect the proposed management of the tree, the Council would react accordingly.

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

**Contact Officer: Mr D Galley**



31/21/0022/T

MRS R JAMES

**Application to fell one Oak tree included in Taunton Deane Borough (Ruishton No.1) Tree Preservation Order 2008 at 40 Newlands Road, Ruishton (TD1051)**

Location: 40 NEWLANDS ROAD, RUISHTON, TAUNTON, TA3 5JZ

Grid Reference: 326652.124632

Felling of Tree(s) covered by TPO

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The tree is over 100 years old, very prominent in the landscape, has numerous environmental benefits and amenity value. Although it has recently shed a large branch, no evidence has been provided to demonstrate that the tree is diseased, significantly decayed or likely to shed further branches even if management works are carried out.

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

#### Notes to Applicant

1. Any dead wood can be removed without consent under Section 198(6) of the Town and Country Planning Act 1990. This work should be carried out in accordance with British Standard BS3998: 2010.
2. The case officer has recommended that the alternative application to crown-reduce the tree (31/21/0021T) is approved.

## **Proposal**

To fell one mature oak tree protected by Tree Preservation Order TD1051.

## **Site Description**

The tree is growing to the rear of 40 Newlands Road, and due to its size and location overhangs six other gardens in Newlands Road and Coronation Close.

## **Relevant Planning History**

The previous application to prune the tree was 31/19/0018T.

## **Consultation Responses**

*RUISHTON & THORNFALCON PARISH COUNCIL* - No comment.

## **Habitats Regulations Assessment**

Not required for this application.

## **Representations Received**

One, from a near neighbour at 36 Newlands Road, in support of the application for the following reasons, in summary:

- a) The Tree Preservation Order is alleged to be invalid as the owners of 36 were not informed of the TPO when it was served in 2008;
- b) The tree blocks a shared legal right of access and could be declared a 'legal nuisance';
- c) The tree has been mis-managed over a long period, to the point of it dropping large limbs that would certainly kill;
- d) The tree 'presents a Risk Management view where the likelihood and impact of injury/damage are both 'High'.'

One, from a near neighbour at 19 Coronation Close, objecting to the application for the following reasons:

- a) The tree is a landmark that can be seen for miles around;
- b) The tree was present before the houses were built and the residents moved in. It should therefore have been predictable that it would grow, shed debris and branches occasionally;
- c) The tree has a lifespan of many generations of humans;
- d) The oak has environmental benefits way beyond what is visible above ground due to its mycelial networks, and it supports much biodiversity.

## **Planning Policy Context**

### **Local finance considerations**

### **Determining issues and considerations**

The issue with this application is whether the proposed works are justified and in accordance with good arboricultural practice.

The tree in question is a large, mature English Oak, thought to be in excess of 100 years old. It is the largest tree in the area, and one of the largest in Ruishton parish.

The tree is growing to the rear of 40 Newlands Road, outside of the rear fence line but in a shared access corridor that runs between the rear of properties in Newlands Road and Coronation Close. Due to its size and location it therefore overhangs (to varying degrees) 36, 38, 40 and 42 Newlands Road and 17, 18 and 19 Coronation Close. Ownership of the tree has not been fully confirmed but it appears that the boundary line between 40 Newlands Road and 18 Coronation Close may pass through the substantial trunk of the tree, with the majority probably on the Newlands Road side. It is approximately 17 metres from the conservatory of 40 Newlands Road (21.5 metres from the house), and 28 metres from the nearest house in Coronation Close. Under the current guidance for trees in proximity to development (BS5837), the houses would be considered far enough away from the tree and sufficiently outside its notional Root Protection Zone, using the British Standard's guidance. In urban and suburban areas it is not unusual for large trees to overhang private gardens and to be in close proximity to buildings.

Early in September 2021 the tree shed a primary limb from the lowest tier of limbs at about 4 metres above ground level. The limb fell into the garden of 19 Coronation Close, whilst still being partially attached to the trunk, and has remained there since. The limb was shed on a calm day when there was no wind.

Initial assessment, by Arboricare, as to the cause of the limb failure concluded that it was likely due to a phenomenon known as 'summer branch drop', probably exacerbated by the extended length and weight of the branch. No significant decay was found in the wound, or at the base of the tree, where tests were carried out using a Resistograph, which measures the amount of resistance in the wood and therefore the extent of sound wood or decay in the tree. This general view has not been refuted by the agent for the current applications.

'Summer branch drop' is a term used to describe the phenomenon where branches on mature trees are shed even though there are no obvious reasons such as decay, disease or high winds. It is generally associated with late summer after periods of hot and dry weather, and as the application states is quite common in oak trees, as well as other species such as cedar or sweet chestnut.

A small amount of *Armillaria* (Honey Fungus) mycelium was identified in the soil during the initial assessment, but there is no evidence that it is having a detrimental effect on the oak tree - this fungus is generally prevalent in gardens.

A potential crack was found in the low limb overhanging the garden of number 40 Newlands Road. Although on closer inspection this was considered not to be serious, it was decided to shorten this branch almost to the main trunk, to be sure that any risk was removed.

Although the branch that fell would have been lethal had it hit someone, statistically the risk of death or serious injury caused by 'summer branch drop' is very low, thought to be less than one in one hundred million (less than a short car journey).

Given the size, age and the environmental importance of this tree, combined with the lack of evidence that it is in poor health because of factors such as decay or

disease, it is difficult to justify its complete removal by felling. The agent's alternative application (31/21/0021T) to manage the risk of further branch losses by significantly reducing the crown of the tree by 3-4 metres branch length is considered more reasonable and preferable to felling the entire tree. Such a crown-reduction would significantly reduce the sail area of the tree and the end weight of the branches, thereby lessening the forces on the main unions. The re-growth could then be managed in the future as required, depending on the rate of growth. Although this would result in on-going expenses, the presence and likely growth of the tree has always been known to the owners and surrounding neighbours, as the tree has been mature for many decades.

In response to the points raised in the representation in support of this application:

a) When the TPO was served in 2008, letters were sent to the properties immediately around the tree that were considered to be 'adjoining properties' to the main owners at 40 Newlands Road. Whether number 36 represents an adjoining property because of the shared access is open to debate and interpretation. As the 2006 guidance stated, '*Adjoining land*' is intended to mean land which has a common boundary with the parcel or parcels concerned' - number 36 does not adjoin number 40. Advice recently received from the Council's legal team has concluded that number 36 did not need to be served with notice of the making and confirmation of the 2008 Order, as it was not an adjoining property, and therefore there has been no failure to meet the requirements of the 1999 Regs which were in force at the time. In any event, the Council does not consider that there has been substantial prejudice to number 36 in this case arising from the making of the Order. It should also be noted that any challenge to the High Court should be made within 6 months of confirmation of the TPO, which was served thirteen years ago.

In practical terms, if there was any doubt about the validity of the current TPO the Council could serve a fresh TPO to protect the tree, at which point all those affected would be notified.

Although the tree overhangs several gardens, it is some considerable distance from the houses and under guidance for serving Tree Preservation Orders such as that given by the Wessex Tree Officers' Group would have been sufficiently distant from these structures and would have easily scored sufficient points to merit protection;

b) Although the trunk of the oak tree does fill much of the shared access to the rear of 38 and 36 Newlands Road, there is still space to pass between the tree and the fence - just under a metre. (Unfortunately the garden of 38 extends further than that of 40). The issue of the raised roots could be improved by either cutting of the roots or application of a surface such as gravel - subject to a more detailed assessment on site. Whether there is a legal duty to provide wheel-chair access to the rear of the house would require investigation by legal specialists, as would the assertion that the tree is a 'legal nuisance';

c) The Council responds to proposals to manage protected trees. Since the TPO was served, there has only been one application to prune the tree, in 2019. At this time, two options were presented to the Council, to crown-reduce the tree entirely or to crown-raise the tree by removing or shortening some of the lowest branches. The main reason for the proposed works was to reduce the amount of shading in the gardens on the east side, rather than there being any evidence that the tree was decayed, diseased or unsafe. The option to crown-raise the tree was therefore

recommended by the case officer. In hindsight, given what has now happened, it is agreed that in this case the first option to reduce the whole tree would probably have prevented the recent limb failure. Each tree and situation is different, and it is not generally considered that overall crown-reductions of healthy trees should be 'permitted development' and therefore allowed in every case, mindful that major tree surgery can also lead to ingress of decay pathogens and disease.

d) It is not easy to quantify the increased safety provided by reducing the tree by 3 to 4 metres, but this method of reducing risk of branch failures (crown-reduction) is described and recommended in the British Standard for Tree Works BS3998 (2010). A Quantified Tree Risk Assessment (QTRA) could be carried out by a suitably qualified professional, at some expense. Details of the QTRA approach can be seen in the internet.

Initial assessment by Arboricare following their site visit in September was that removal of the tree was unnecessary and undesirable, and that it could be managed by careful crown-reduction by skilled arborists. This was a verbal opinion at the time, but no written confirmation of this was received, other than the Resistograph test results, as only the on-site inspection and Resistograph test had been requested by the Council. It should be noted that the agent for the current applications has agreed to apply for both crown-reduction and felling. If he considered that the tree was unacceptably dangerous I suspect that he would have simply applied to fell.

The tree has also been assessed by the Council's own Arboricultural Supervisor in the Open Spaces Team, Dan Mancini. In his view, if the tree belonged to this Council he would recommend significant crown-reduction of 3 to 4, possibly 5 metres in places, given what has happened and its location, but not felling.

Considering all the above points, it is concluded by the case officer that there is insufficient evidence to justify the entire removal of this old tree. It is therefore recommended that the Council refuses felling but allows the crown-reduction proposed under 31/21/0021T. It is recommended that further detailed assessment of the main unions at 4-5 metres above ground level is carried out. If any further evidence is gathered that may affect the proposed management of the tree, the Council would react accordingly.

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

**Contact Officer: Mr D Galley**





42/21/0081

MS STUART

**Demolition of garage and erection of a single storey extension to the side of Trendle, 49 Church Road, Trull**

Location: TRENDLE, 49 CHURCH ROAD, TRULL, TAUNTON, TA3 7LG

Grid Reference: 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:

(A4) DrNo A01 Site Location Plan  
(A4) DrNo A12C Block Plan As Proposed  
(A3) DrNo A13C Floor Plans As Proposed  
(A3) DrNo A14C Elevations As Proposed  
(A4) DrNo A15C Sectional Elevation AA As Proposed

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no window/dormer windows shall be installed in the north-west elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents.

4. 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 upvc windows to be installed in the north west elevation of the extension 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.

#### Notes to Applicant

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

2. WILDLIFE AND THE LAW. Any activities undertaken on trees must take into account the protection afforded to wildlife under UK legislation.

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

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Conservation of Habitats and Species Regulations 2017 (as amended), also known as the Habitats Regulations, and by the Wildlife and Countryside Act 1981 (as amended). It is an offence to damage, deliberately destroy or obstruct access to structures or places of shelter or protection used by bats, or recklessly or intentionally disturb bats while they are using these places.

TREES with features such as rot and woodpecker holes, split branches or gaps behind loose bark, or covered with ivy with stems over 50mm may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (tel. 0300 060 3900). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

## Proposal

It is proposed that the existing garage is demolished, and a single storey extension is to be erected to the side of Trendle, 49 Church Road to provide one en suite bedroom and an extension to the kitchen. The proposed extension will be finished in

red brick with white upvc doors and window frames and interlocking tiles on the roof to match the existing dwelling.

The applicant is a member of staff at Somerset West and Taunton Council.

## **Site Description**

The proposal site is an existing two storey semi-detached dwelling. The external materials consist of red brick walls with an interlocking tiled roof and white upvc doors and window frames.

## **Relevant Planning History**

No relevant planning history

## **Consultation Responses**

*TRULL PARISH COUNCIL* – No Comments Received

*SCC - ECOLOGY* – No Comments Received

*SCC - TRANSPORT DEVELOPMENT GROUP* – Standing Advice

## **Habitats Regulations Assessment**

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the proposed development is an extension to an existing dwelling it does not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

## **Representations Received**

No Representations 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). Where they are formally adopted, Neighbourhood Plans form part of the development plan under section 38(6).

## District Wide Design Guide SPD

The National Planning Policy Framework 2021 (the NPPF) is a material consideration.

Relevant policies of the development plan are listed below.

DM1 - General requirements,  
D5 - Extensions to dwellings,  
A1 - Parking Requirements,

There is no neighbourhood plan for the area.

## Local finance considerations

### Community Infrastructure Levy

This application is not liable to CIL

## Determining issues and considerations

It is considered that the main determining issues and considerations are the visual amenity, residential amenity and highway safety.

### Visual Amenity.

The proposed development will use materials to match the existing dwelling. The extension is proposed to the side of the dwelling to replace the existing garage. The proposal would therefore have no adverse impact on the street scene or visual amenity. The proposed extension is in keeping with the rest of the dwelling, using matching materials and implementing a pitched roof in the same style as the existing dwelling. The proposal is subservient in scale and design. Accordingly, the proposal would comply with policies DM1 and D5 of the Taunton Deane Core strategy.

### Residential Amenity.

The proposed extension would have two additional windows installed on the north west elevation. Upon a thorough assessment of the site, it was apparent that there would be overlooking of the adjoining property resulting from the positioning of these windows. Obscured glazing of the proposed north west elevation windows has therefore been conditioned to negate any overlooking. The proposal would therefore comply with policy DM1 of the Taunton Deane Core Strategy.

### Highways.

The application proposes one additional bedroom. Policy A1 requires a maximum of three off-street parking spaces. The existing site has sufficient space to accommodate two off-street parking spaces. However there is sufficient space to provide additional spaces if required. The proposal would comply with policy A1 of the Site Allocations and Development Management Plan.

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

**Contact Officer: Ben Perry**



## APPEALS RECEIVED – 3 FEBRUARY 2022

**Site:** CREECH MILLS, MILL LANE, CREECH ST MICHAEL, TAUNTON,  
TA3 5PX

**Proposal:** Alleged breach of planning control of operation of crane hire business  
at Creech Mills, Mill Lane, Creech St Michael

**Application number:**

**Appeal reference:** APP/W3330/C/21/3289195

**Decision:**

**Enforcement Appeal:** E/0150/15/19

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**Site:** Zine Farm, Zine, Stogursey, TA5 1TL

**Proposal:** Application for prior notification for the erection of an agricultural  
cylinder grain silo made of curved corrugated steel

**Application number:** 3/32/21/012

**Appeal reference:** APP/W3330/W/21/3282779

**Decision:** Delegated Decision – Prior Approval is Required and  
Refused

**Enforcement Appeal:**

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**Site:** LAND AT OTTERFORD 322621.115998

**Proposal:** Erection of a general purpose agricultural building on land at Otterford  
(resubmission of 29/20/0011)

**Application number:** 29/20/0018

**Appeal reference:** APP/W3330/W/21/3276334

**Decision:** Delegated Decision – Refused

**Enforcement Appeal:**

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**Site:** 1 HEATHFIELD FARMHOUSE, CREECH HEATHFIELD ROAD,  
CREECH HEATHFIELD, TAUNTON, TA3 5ER

**Proposal:** Replacement of porch to the front of 1 Heathfield Farmhouse, Creech Heathfield Road, Creech Heathfield

**Application number:** 14/20/0047/LB

**Appeal reference:** APP/W3330/Y/21/3280627

**Decision:** Chair – Refused

**Enforcement Appeal:**

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**Site:** BIRDS FARM, HIGHER KNAPP LANE, KNAPP NORTH CURRY,  
TAUNTON, TA3 6AZ

**Proposal:** Replacement of barn with the erection of 1 No. dwelling at Birds Farm, Higher Knapp Lane, Knapp, North Curry (amended scheme to 24/19/0027)

**Application number:** 24/21/0031

**Appeal reference:** APP/W3330/W/21/3285797

**Decision:** Chair Decision - Refusal

**Enforcement Appeal:**

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**Site:** Farm End, Pemswell Road, Minehead, TA24 5RS

**Proposal:** Erection of a 2 metre high fence at the end of the back garden adjacent to the highway

**Application number:** 3/21/21/070

**Appeal reference:** APP/W3330/W/21/3285192

**Decision:** Delegated Decision

**Enforcement Appeal:**

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**Site:** Newton Farm, Newton Lane, Bicknoller, TA4 4EU

**Proposal:** Change of use of agricultural land to holiday use with creation of access track and 2 No. hardstanding areas to site 2 No. glamping units [showmans wagons]

**Application number:** 3/01/21/003

**Appeal reference:** APP/W3330/W/21/3285152

**Decision:** Chair Decision

**Enforcement Appeal:**



# APPEAL DECISIONS – 3 FEBRUARY 2022

**Site:** 3 KILLAMS AVENUE, TAUNTON, TA1 3YE

**Proposal:** Erection of a first floor extension over the garage at 3 Killams Avenue, Taunton (resubmission of 38/20/0409)

**Application number:** 38/21/0256

**Reason for refusal:** Allowed

**Original Decision:** Chair Decision



The Planning Inspectorate

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## Appeal Decision

Site visit made on 21 December 2021 by **Mr A**

**Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)**

an Inspector appointed by the Secretary of State

Decision date: 07 January 2022

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### Appeal Ref: APP/W3330/D/21/3282891

#### 3 Killams Avenue, Taunton TA1 3YE

- 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 & Mrs Anthony Flitton against the decision of Somerset West and Taunton Council.
  - The application Ref 38/21/0256, dated 16 June 2021, was refused by notice dated 2 August 2021.
  - The development proposed is a first floor extension over existing garage.
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## Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over existing garage at 3 Killams Avenue, Taunton TA1 3YE in accordance with the terms of the application, Ref 38/21/0256, dated 16 June 2021, subject to the conditions in the attached schedule.

## **Main Issues**

2. Although the Council has given three reasons for refusal on the decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify two main issues.
3. Accordingly, the main issues in this appeal are:
  - The effect of the proposed development on the character and appearance of the surrounding area; and,
  - The effect of the proposed development on the living conditions of occupants of 5 Killams Avenue and 9 Killams Avenue with regards to loss of outlook and loss of privacy.

## **Reasons**

### **Character and Appearance**

4. The appeal site is located within a residential area. Dwellings within the surrounding residential area exhibit variety in terms of design and scale, with substantial two storey detached dwellings and bungalows being located adjacent to the appeal site. The appeal building is a sizable two storey detached dwelling which incorporates a substantially sized double garage. The appeal scheme seeks to erect a first floor extension over the existing substantially sized garage.
5. Policy DM1 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 (the Core Strategy) sets out general requirements for all development and, amongst other matters, requires the appearance and character of any affected street scene not to be unacceptably harmed. Policy D5 of the Site Allocations and Development Management Plan 2016 (the SADMP) concerns extensions to dwellings and requires that extensions to integrate appropriately with local character and amenity. Policy D7 of the SADMP relates to design quality.
6. The proposed first floor extension would extend over the existing garage creating a large addition with a pitched half hip end roof over, and with a ridge height just below that of the host dwelling. By reason of the substantial scale of the existing building and garage and given that the proposed extension would not extend the width of the dwelling and would be at a lower height than the roof of the host dwelling, I am satisfied that the extension would satisfactorily respect the proportions and massing of the host building, and would appear subservient to the host dwelling in visual terms. Whilst the additional mass would reduce the openness of the street scene, I find that the change in openness would not be unacceptable or harmful to the street scene.
7. In my view, the proposed materials, scale and positioning of the appeal scheme would not result in a visually discordant or incongruous feature within the street scene. For these reasons, the proposed changes to the massing at first floor level above the existing garage would not be harmful to the character and appearance of the surrounding area, nor would be harmful to the character and appearance of the appeal building itself. Furthermore, the proposed dormer is modestly sized and in proportion with the scale of the proposed extension.
8. I therefore conclude that the scheme would integrate appropriately with local character and appearance in accordance with the relevant provisions of Policy DM1 of the Core Strategy and would accord with the provisions of Policies D5 and D7 of the SADMP. Furthermore, I find no conflict with those paragraphs of the

National Planning Policy Framework (the Framework) which concern achieving well designed places.

## **Living Conditions**

9. The Council have raised concerns regarding the impact of the proposed extension on the living conditions of occupants of neighbouring properties at 5 and 9 Killams Avenue. Amongst other matters described above, Policy D5 of the SADMP also requires that development does not harm the residential amenity of other dwellings.
10. 9 Killams Avenue is located southwest of the appeal site and on the opposite side of the cul-de-sac which forms this part of Killams Avenue. In this respect, as noted above the proposed dormer would be modestly sized and, by reason of the significant separation distance between the host building and the dwelling at 9 Killams Avenue, I conclude that the proposal would not have an adverse effect on occupants of that neighbouring dwelling by reason of overlooking or loss of privacy.
11. The proposed extension would be positioned close to the shared boundary with 5 Killams Avenue. 5 Killams Avenue is set back from this shared boundary and comprises a single storey dwelling which, from observations made on my site visit, appeared to have its front elevation facing southwest. Whilst I accept that there would be some impact from the development given the increase in mass and bulk at first floor level, by reason of the separation distance between the properties, the proposed pitched slope of the roof of the proposed extension and given that a significant open aspect would remain to the front of this neighbouring dwelling, I consider that the extension would not significantly dominate the views to cause an overbearing effect nor an unacceptable sense of enclosure.
12. Taking these factors into consideration, I am not persuaded that a compelling case has been made that there is insufficient separation between buildings and that the development would result in an overbearing impact or unacceptable loss of privacy for residents of the two neighbouring properties described above. Therefore, the appeal scheme would comply with Policy D5 of the SADMP and the provisions of the Framework with regards to the amenity of residents.

## **Other Matters**

13. I note from the Officer's report that the appeal site is located within Band C of the Bat Consultation Zone for the Hestercombe House Special Area of Conservation (the SAC). However, I would agree with the Council in that the evidence demonstrates that the proposed development is highly unlikely to have an effect on lesser horseshoe bats associated with this SAC.

## **Conditions**

14. The Council have suggested conditions in the event that the appeal is allowed. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. In order to protect the character and appearance of the surrounding area and the host dwelling, I am attaching a condition requiring materials used in the construction of the external surfaces of the development to match those used in the existing building.

15. Further to the above, I have also noted that additional conditions and informative details are discussed within the Officer's report. In these respects, having regard to ecological matters, bird boxes and an insect tower should be introduced. Whilst I note the inclusion of informative details within the Officer's report, and acknowledge their importance, these informatives cannot be used in lieu of planning conditions. These items are included within the Officer's report for information only and do not constitute planning conditions.
16. I also note that within the questionnaire, the Council have suggested that a condition be applied which prevents the introduction of any new windows on first floor elevations. I have considered this matter in light of the provisions of paragraph 54 of the Framework, and conclude that in order to prevent unacceptable levels of overlooking and loss of privacy at 5 and 7 Killams Avenue, a condition should be attached which prevents additional windows being incorporated within the southern and eastern elevations of the proposed development.

## **Conclusion**

17. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

*Mr A Spencer-Peet*

INSPECTOR

## **5 Schedule of Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby approved shall in all respects accord strictly with drawing numbers: 01 Location Plan, 02 Block Plan and 04 Existing Plans & Elevations dated December 2020 and drawing numbers: 11 Proposed Plans Elevations & Section Scheme VI and 12 Proposed Block Plan Scheme VI dated February 2021 .
3. The external materials to be used in the construction of the development hereby permitted shall match those used in the existing dwelling.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor level in the eastern and southern facing elevations of the development hereby permitted.
5. Before the first use of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the position of a 1B Schwegler bird box or similar, a 2H Schwegler bird box or similar and an Elba insect tower or similar with a timetable for their installation, and the insect tower and bird boxes shall then be installed in accordance with the approved details and timetable and thereafter retained.

**Site:** PEN ELM, MINEHEAD ROAD, NORTON FITZWARREN, TAUNTON, TA2 6PD

**Proposal:** Conversion of outbuilding to 1 No. detached dwelling within the domestic garden of Pen Elm, Minehead Road, Norton Fitzwarren (resubmission of 25/19/0023)

**Application number:** 25/20/0018

**Reason for refusal:** Allowed

**Original Decision:** Chair Decision



The Planning Inspectorate

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## Appeal Decision

Site visit made on 17 November 2021 by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

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### 6 Appeal Ref: APP/W3330/W/21/3280421 Pen Elm, Minehead Road, Norton Fitzwarren, Taunton TA2 6PD

- 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 Mrs Sheryl Hunt against the decision of Somerset West and Taunton Council.
  - The application Ref 25/20/0018, dated 22 July 2020, was refused by notice dated 9 February 2021.
  - The development proposed is subdivision of the existing dwelling to create a separate dwelling within a domestic outbuilding.
- 

### Decision

1. The appeal is allowed and planning permission is granted for conversion of outbuilding to 1 No. detached dwelling within the domestic garden of Pen Elm at Pen Elm, Minehead Road, Norton Fitzwarren, Taunton TA2 6PD in accordance with the terms of the application Ref 25/20/0018, dated 22 July 2020, subject to the conditions in the attached schedule.

### Procedural Matters

2. I have used the description of development contained within the Council's decision notice in my decision above as it most accurately reflects the proposal.
3. During the appeal a Unilateral Undertaking (the UU) was submitted which seeks to secure mitigation with regard to the potential effects of the proposal on the integrity of



the Somerset Levels and Moors Special Protection Area and listed Ramsar site (the SPA). I return to this matter later in my decision.

## **Main Issues**

4. The main issues are:

- the suitability of the site for the proposal, having regard to the development plan's approach to the supply of housing; and,
- the effect of the proposal on the integrity of the SPA.

## **Reasons**

### **Suitability of the site**

5. The site comprises a disused building within the grounds of the dwelling Pen Elm, accessed from the A358, the main road between Taunton and Minehead. A scheme for the conversion of the building to a dwelling was dismissed at appeal in 2020<sup>1</sup>. Pen Elm is part of sporadic development which extends along this section of the A358 from Taunton, which is close by to the south east. To the south, beyond open fields, is the village of Norton Fitzwarren.
6. Policy SP1 of the Taunton Deane Borough Council Core Strategy 2011-2028 (adopted 2012) (CS) directs growth to the most sustainable and accessible locations, with Taunton a focal point for development. It states that sites beyond identified settlements, as is the case at Pen Elm, are within the designated open countryside. Policy SB1 of the Site Allocations and Development Management Plan (adopted 2016) (SADMP) provides that, in such locations, Policies CP1, CP8 and DM2 of the CS should be applied to development proposals. I turn to Policy CP8 later in my decision.
7. Amongst other things, Policy CP1 seeks to reduce the need to travel through locational decisions. Pen Elm is a reasonable walking distance to a shop selling groceries and other commodities, and a public house. These facilities are accessed by walking south east aside the A358 along a near continuous, largely lit pavement, which itself hosts bus stops which provide access to northwest bound services. Norton Fitzwarren has a primary school that can be reached via a Public Right of Way which, although unmade, is well compacted, quite level and, in my view having walked it, a passable option for the school run.
8. Getting to the pavement and the PROW requires crossing the A358. However, aside Pen Elm it is a single carriageway, has one lane in each direction, and is restricted to a 40-mph speed limit. Whilst one may well have to wait a short while for a break in the traffic, visibility in both directions is good and crossing here is little different in safety terms to crossing a main road within an urban area. Crossing back is necessary at the shop and public house, where the road is wider and traffic movements more hectic, but there are traffic islands here which provide a safe refuge when doing so.
9. There is also a child's nursery and a café very close by to Pen Elm to the north west. Although a stronger argument can be made for difficulty in walking back across the A358 to reach them, they are a very short drive away from Pen Elm indeed. Taking all of these factors into account, it is my opinion that occupants of the dwelling would be little more inclined to travel than people living in Taunton. The locational test set out within Policy CP1 would therefore be met.

10. Policy DM2 applies a sequential approach to the conversion of existing buildings within the open countryside. My assessment is focused on those steps of the sequential approach to which there is dispute between the main parties.
11. Steps two and three require a Use Class B business use (as was) or other employment generating use. Given the close relationship of the site to Pen Elm, uses previously within Classes B2 or B8 would likely be inappropriate, given their proclivity to generate noise, fumes, or activity during antisocial hours. Regarding the former Class B1, the appellant has provided online marketing as of July 2021 which shows a variety of vacant commercial units in Taunton. This demonstrates the likelihood that a commercial use of the site would have to compete with bespoke and immediately available sites in Taunton, which I do not find realistic. Moreover, given the shape and modest size of the building, it is unclear what other employment generating use it could practically support.
12. The fourth step is for a holiday or tourism related use. Paragraph 6.19 of the supporting text to Policy DM2 is clear and unambiguous when read in a straightforward manner and as a whole. It states that, due to evidence of holiday homes outstripping demand, tourism and holiday home uses should be restricted to the conversion of existing buildings in instances of rural diversification. Consequently, this step of the sequential test does not apply to the circumstances of the appeal proposal.
13. The fifth step requires affordable, farm or forestry dwellings. The appellant has asserted that the need for affordable housing (AH) in the area is being met by large residential allocations in and around Taunton. The Council has offered no contrary evidence of any unmet local AH need with which this can be disputed.
14. There is no farm or forestry requirement for a dwelling relating to land within the appellant's control. With regard to the suggestion that the scheme could provide a farm or forestry dwelling for an operation elsewhere, I am mindful that it is common for such a need to be generated by a requirement to be within sight and sound of the relevant activity. Also, if there was offsite demand as suggested, it seems to me that it could equally be met by the mixture of housing available within Taunton. These issues cast significant doubt in my mind about how realistic the site would be as a candidate for such uses.
15. Bringing my findings together, the form and size of the building, its intimacy with Pen Elm and its proximity to Taunton, form the exceptional circumstances where the conversion of an existing building to an open market dwelling would accord with the requirements of Policy DM2.
16. I therefore conclude on this issue that the site would be suitable for the proposal, having regard to the development plan's approach to the supply of housing. The scheme would accord with the relevant aims of Policies SP1, CP1 and DM2 of the CS, Policy SB1 of the SADMP and the National Planning Policy Framework (the Framework).

### **European Designated Site**

17. The site is within the catchment area of the SPA, which, as a European Designated Site and Ramsar site, is protected pursuant to the Conservation of Habitats Regulations 2017 as amended (the Habitats Regulations).
18. The SPA is so designated owing to its wetland habitats which support a variety of wildlife, notably aquatic invertebrates. In August 2020, Natural England (NE) informed

the Council and other relevant local planning authorities about unfavourably high levels of phosphates recorded in the SPA. Residential development can contribute to this issue through the discharge of wastewater, and I must therefore consider this matter in relation to the appeal proposal.

19. The appeal is accompanied by a Nutrient Neutrality Assessment which proposes to offset the phosphate surplus arising from the proposal through the use of a package treatment plant (PTP) discharging to a drainage field to the north west. It has been latterly confirmed that the percolation test locations which support the use of soakaways are consistent with the proposed discharge point of the PTP. These integral measures have now satisfied the Council's ecology expert, and also NE, that likely significant effects on the integrity of the SPA can be ruled out. I have no reason to disagree.
20. The UU before me seeks to secure the drainage strategy, albeit it requires the exact details of the specification of the PTP and monitoring and maintenance arrangements to be later agreed. The Council has highlighted drafting errors relating to the given name of the Council and the reference number of the planning application. However, the first error is inconsequential, and the appeal reference and this decision letter are both correctly addressed in the UU. On this basis, I am satisfied that the UU would take effect.
21. Both the Council and NE have stated that a condition should also be employed seeking foul drainage details, which would have to be agreed prior to the commencement of the development. This would represent a degree of duplication with the UU. However, given the Council's further concerns about the wording of Schedule 1 of the UU, I agree that a condition is required in this instance to provide requisite certainty and when applying the precautionary principle to the SPA issue. Given these integral measures proposed, and the method of securing their delivery, I can ascertain at the screening stage that likely significant effects on the integrity of the SPA can be ruled out.
22. Consequently, I conclude on this issue that the proposal would not have an adverse effect on the integrity of the SPA. It would accord with Policies DM1 and CP8 of the CS, the provisions of the Habitats Regulations and the Framework insofar as they seek to secure the long-term protection of such sites and mitigate any adverse effects on their integrity.

## **Other Matters**

23. The site is also within influence of the Hestercombe House Special Area of Conservation (SAC), so designated for its lesser horseshoe bat maternity roost. The landscape surrounding the SAC provides important commuting and foraging habitat for bats associated with the SAC. However, the developed nature of the site and its proximity to the A358 make it highly unlikely that bats make use of it. Nonetheless, the mature hedgerows and fields to the north east of the site present some potential foraging and commuting opportunities. A condition controlling external lighting would provide an integral measure to ensure that likely significant effects on the SAC can be screened out in the first instance.

## **Conditions**

24. It is necessary to identify the approved plans in the interest of certainty. In the interest of highway safety, it is necessary to ensure that any access gates open inwards and are set back from the carriageway edge. However, I see no reason why, given highway conditions aside the site and the likely modest additional use of the

access, it should be required to demonstrate that the access can accommodate two-way traffic. In the interest of ecology, a condition is needed to ensure that the works take place outside of the bird nesting season and, in order to provide biodiversity gain, details of bird nesting and hedgehog access measures are also required. Given the potential for any additional storey to affect the living conditions of the occupants of Pen Elm, a condition is necessary to remove permitted development rights in this regard.

## **Conclusion**

25. For the reasons outlined above, and taking all other matters raised into account, I shall allow the appeal.

*Matthew Jones*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GHU2079, Site Plan, Proposed vehicular access, Site Location Plan.
- 3) No development shall commence until a detailed implementable scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the local planning authority. Such scheme should be based on the proposals set out in Section 5 of the Nutrient Neutrality Assessment dated 22 July 2021 prepared by RMA Environmental, unless otherwise agreed by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of the dwelling hereby approved.
- 4) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 6 metres from the highway boundary.
- 5) Prior to construction above damp-proof course level, a 'lighting design for bats' shall be submitted to and approved in writing by the local planning authority. The design shall demonstrate that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the details approved and shall be retained thereafter. No other external lighting shall be installed.
- 6) No removal of vegetation or works to the buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist provides written confirmation that no birds will be harmed and/or there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist accompanied by dated photos showing the site before and after clearance.
- 7) Provision will be made for nesting swallows and the free movement of hedgehogs between properties and the surrounding landscape. Plans and photographs of the installed features will be submitted to and agreed in writing by the local planning authority prior to first occupation of the dwelling hereby approved.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no construction of additional storeys shall be carried out.

