

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 16 December 2009 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 29 September 2009, 28 October 2009, 18 November 2009 and 25 November 2009 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Planning Committee are set out in the attachment.
- 5 05/09/0033 - Construction of new front garden wall as replacement for existing leylandii hedge at 86 Gillards, Bishops Hull.
- 6 10/09/0023 - Erection of carport and log store at The Pound, Trents Farm, Royston Road, Churchinford.
- 7 26/09/0010 - Erection of 7 no affordable dwellings on agricultural land opposite Village Hall, Nynehead (revision of 26/08/0010).
- 8 30/09/0029 - Erection of two storey extension at Lower Woodmans, 4 Curdleigh Lane, Blagdon Hill.
- 9 32/09/0004 - Erection of stockyard, erection of building for dairy cattle housing on previous site of demolished pig fattening building at Sampford Farm, Sampford Arundel.
- 10 45/09/0016 - Siting of catering unit selling hot/cold snacks, drinks and breakfast at London Farm, West Bagborough (retention of works already undertaken).
- 11 49/09/0046 - Conversion of barn to single storey dwelling at Maundown Cottage, Jews Lane, Maundown, Wiveliscombe.
- 12 49/09/0056 - Roof alterations to agricultural building to provide protected species' (bats) accommodation in connection with conversion of barn to dwelling (The Granary) at Footlands Farm, Ford, Wiveliscombe.

- 13 New wall and gates at Orchard Croft, Bussells Farm Lane, West Buckland, Wellington. Report of the Growth and Development (attached).
- 14 Planning Appeals - The latest appeal decisions received (details attached).

Tonya Meers  
Legal and Democratic Services Manager

18 December 2009

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

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

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



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

**For further information about the meeting, please contact Democratic Services on 01823 356382 or email [d.durham@tauntondeane.gov.uk](mailto:d.durham@tauntondeane.gov.uk)**

**Planning Committee Members:-**

Councillor P Watson  
Councillor D Wedderkopp  
Councillor M Floyd  
Councillor K Durdan  
Councillor B Denington  
Councillor M Hill  
Councillor D House  
Councillor C Bishop  
Councillor R Bowrah, BEM - Mayor  
Councillor J Allgrove  
Councillor C Hill  
Councillor S Brooks  
Councillor G Copley  
Councillor P Critchard  
Councillor L James  
Councillor T McMahon  
Councillor N Court

## **Planning Committee – 29 September 2009**

Present:- Councillor Mrs Hill (Chairman)  
Councillors Bishop, Bowrah, Brooks, Denington,  
Ms Durdan, Mrs Floyd, House, Miss James, McMahon, Mrs Stock-  
Williams, Stuart-Thorn, Watson and D Wedderkopp

Officers:- Mr J Hamer (Development Control Area Manager, West), Mr B Kitching  
(Area Planning Manager), Mrs J Moore (Development Control Principal  
Officer, East), Mrs J Jackson (Legal Services Manager), Ms M Casey  
(Planning and Litigation Solicitor) and Mrs G Croucher (Democratic  
Services Officer)

Also present: Councillors Coles, Stone (in relation to item no 12) and Thorne (in  
relation to application no 10/09/0018) and Mr P Malim (Independent  
Member, Standards Committee)

(The meeting commenced at 5.00 pm)

### **100. Apologies/Substitutions**

Apologies: The Vice-Chairman (Councillor Mrs Allgrove), Councillors Mrs  
Copley, Critchard and C Hill

Substitutions: Councillor Mrs Stock-Williams for Councillor Mrs Copley  
Councillor Stuart-Thorn for Councillor C Hill

### **101. Declarations of Interest**

Councillor Ms Durdan declared a personal interest in application nos  
14/09/0019 and 14/09/0023; Councillor Brooks declared a personal interest in  
application no 24/09/0024; and Councillor House declared a personal interest  
in application no 24/09/0024. Although he had spoken on the item, he  
considered he had not “fettered his discretion”.

### **102. Members’ Code of Good Practice**

Mr Peter Malim reported that he had now successfully updated the Planning  
Committee Members’ Code of Good Practice to incorporate the latest  
guidance.

Subject to approval by the Council’s Standards Committee, copies of the new  
Code would be circulated to Members of the Planning Committee in due  
course.

### **103. Applications for Planning Permission**

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

That **planning permission be granted** for the under-mentioned developments:-

**10/09/0016**

**Change of use of barn to dwelling (resubmission of 10/08/0033) at Buttles Farm, Churchinford**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (c) The external surfaces of the building shall be retained as existing and where necessary repaired and/or renewed with salvaged materials from its existing building-matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation;
- (d) All rooflights hereby approved shall be a flush fitting conservation style with a central glazing bar;
- (e) All windows and folding doors hereby approved shall be of timber traditional, side hung balanced casements with equal sized panes of glass and shall be located within the wall thickness so as to provide a minimum external reveal of 100mm;
- (f) Prior to the commencement of development the history and current condition of the site shall be investigated to determine the likelihood of the existence of contamination arising from previous uses. The Local Planning Authority shall be provided with a written report which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site. If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment. If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;
- (g) The development hereby permitted shall not be commenced until details of a strategy to protect bats and breeding birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the following:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species. Once approved the works shall be implemented in accordance

with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and swallows shall be permanently maintained;

- (h) The proposed modified access over the first 6m of its length shall be properly consolidated and surfaced, not loose stone or gravel, before it is brought into use. It shall be made of porous material or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwelling;
- (i) The area allocated for parking and turning on the submitted plan shall be properly consolidated, surfaced and drained before the buildings are occupied and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (j) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (k) Before any works are commenced details of all guttering, downpipes and disposal of rainwater shall be submitted to, and approved in writing by, the Local Planning Authority;
- (l) All services shall be placed underground;
- (m) Prior to the development hereby permitted being brought into use details of the access gate shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (n) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification) no extensions, other alterations (including balconies, windows, chimneys, flues, antennae) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E and G-H of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (o) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no erection or other alteration of a gate, fence, wall or other means of enclosure (of the types described in Schedule 2 Part 2 of the 1995 Order), other than that expressly authorised by this permission shall be carried out, without the further grant of planning permission;
- (p) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, any entrance gates erected shall be hung so as to open inwards only.

(Notes to applicant:- (1) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (2) Applicant was advised of the need to make provision for access for crevice dwellings bats along the roof ridge or

through the provision of a bat box placed high up on the south-east elevation; (3) Applicant was advised that a Section 184 Permit must be obtained from the Highways Authority; (4) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority; (5) Applicant was advised that there was the potential risk of contamination of the ground. There is also a potential risk from areas of filled ground as the fill could contain hazardous materials or could generate gasses as any waste breaks down).

**Reason for granting planning permission:-**

It was considered that the need to preserve this individual barn, by virtue of its historic interest, existing walled curtilage, contribution to the surrounding area and direct relationship with the neighbouring residential property, outweighed the concerns regarding sustainability issues as a result of occupiers being dependent on private vehicles; and the adverse impact of the introduction of the residential element into the Blackdown Hills Area of Outstanding Natural Beauty. As such, the proposal was in accordance with Policies P3 (Areas of Outstanding Natural Beauty) and P5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1 (General Requirements), H7 (Conversion of Rural Buildings) and EN10 (Areas of Outstanding Natural Beauty) of the Taunton Deane Local Plan.

**Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-**

The Committee felt that this proposal to preserve the barn outweighed any concerns raised.

**10/09/0018**

**Erection of 2 Storey Extension to side and detached garage at 4 Trickey Warren Cottages, Culmhead, Churchstanton**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (c) Before development commences (including site clearance and any other preparatory works), the trees shown to be retained on drawing C4611/102A shall be protected by protective fencing located 0.5m around the perimeter of the proposed garage. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.  
Note : The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.)



### **Reason for granting planning permission:-**

The proposed extension and garage had been designed to be subordinate to, and in keeping with, the existing style of the property and would not compromise its character or that of the surrounding Blackdown Hills Area of Outstanding Natural Beauty. There would be no adverse impact upon the amenities of the neighbouring properties or any trees within the site. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN10 (Areas of Outstanding Natural Beauty) of the Taunton Deane Local Plan.

**14/09/0019**

### **Erection of single storey industrial building at Creech Mill, Mill Lane, Creech St Michael (re-siting of consented building 14/06/0021)**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified on the application form and agreed in association with planning permission 14/06/021 shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (c) The new building hereby permitted shall be used solely in connection with the adjacent industrial unit known as County Hardwoods. At no time shall the building be leased, sold or used as a separate planning unit or use without the prior express grant of planning permission;
- (d) This permission shall not be exercised in addition to any permission already granted (viz application No 14/06/021) and shall be treated as an alternative so that the developer may have the option of carrying out development in accordance with the present permission already granted, but not both. In the event of the development referred to in the permission granted being substantially carried out, this permission shall forthwith lapse and be of no effect.

(Note to applicant:- Applicant was advised that details of any soakaways should be proven and agreed with the Parrett Internal Drainage Board and Environment Agency prior to the commencement of any works approved.)

### **Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity or highway safety and was therefore considered acceptable and, accordingly, did not conflict with Somerset and Exmoor National Park Structure Plan First Alteration Policy 49 or Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

**14/09/0023**

### **Erection of one unit for Class B1 (business) and B8 (storage and distribution) at Creech Mills Industrial Estate, Creech St Michael (amended proposal to 14/08/0037)**

- (a) The development hereby permitted shall be begun within three years of

- the date of this permission;
- (b) The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall match those used in the existing buildings on the site unless otherwise agreed in writing with the Local Planning Authority;
  - (c) The new building 1B hereby permitted shall be used for B1 or B8 use solely in connection with the current business known as L.A.T. Access. At no time shall the buildings or planning unit, contained within the red line shown on the submitted site plan, be subdivided either by being leased, sold or used as a separate planning unit, use or business without the prior express grant of planning permission.

**Reason for granting planning permission:-**

The proposal was considered not to result in additional traffic movements such as would be prejudicial to road safety nor to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Somerset and Exmoor National Park Structure Plan (first alteration) Policy 49 or Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

**14/09/0032**

**Outline application for the erection of a detached dwelling and garage within the garden of Chants, Creech Heathfield**

- (a) Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

- (b) In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.
  - (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)].

- (ii) If any retained tree is removed, uprooted or destroyed or dies,

another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

- (c) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;

- (d) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (e) Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery;
- (f) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (g) The new dwelling shall not be occupied until the means of vehicular access has been constructed in accordance with the details shown on plan D4590/102B, hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (h) At the proposed access there shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on the submitted plans (drawing no D4590/102). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (i) The area allocated for turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of

- vehicles in connection with the development hereby permitted;
- (j) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed in the northern elevation of the development hereby permitted without the further grant of planning permission;
  - (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

(Notes to applicant:- (1) Applicant was advised that the landscaping required as part of condition (f) refers to the need to provide additional tree planting on the southern boundary and a hedge will be expected to replace that removed fronting the highway; (2) Applicant was advised that the alteration of the access and/or minor works will involve construction works within the existing highway limits. Please contact the Highway Service Manager, Taunton Deane; (3) Applicant was advised that according to Wessex Water records, there is a public foul sewer crossing to the east of the site. Wessex Water requires a minimum 3m easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. There should be no planting within 6m of the sewer. The developer is required to protect the integrity of Wessex systems and must agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.)

#### **Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

**24/09/0024**

#### **Replacement of 4 isolation kennels and erection of 6 additional kennels for applicant's own dogs at St Giles Kennels, Wrantage**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (c) Notwithstanding the details submitted, prior to the commencement of development, further details of noise insulation materials shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details as above and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- Applicant was advised of the following requirements of the County Rights of Way Section:-

- We ask that the health and safety of walkers, horse riders and cyclists using the path be taken into consideration during any works involved in carrying out the proposed development;
- Somerset County Council (SCC) has maintenance responsibilities for the surface of the bridleway, but only to a standard suitable for pedestrians, horse riders and cyclists. SCC will not be responsible for putting right any damage occurring to the surface of the bridleway resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public bridleway unless the driver has lawful authority to do so;
- If the development would make the public right of way less convenient for continued public use, require changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If the works would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided.)

**Reason for granting planning permission:-**

The proposed kennels were not considered to adversely affect the character and appearance of the surrounding countryside. Whilst there could be some effect on noise levels, this proposal was not considered to contribute to the existing situation to such an extent as to result in material detriment to the residential amenities of neighbouring properties. As such, the proposal was in accordance with Policy P5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 (General Requirements) of the Taunton Deane Local Plan.

**43/09/0058**

**Erection of single story extension and conversion of one outbuilding to form additional dwelling, North Street, Wellington**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (c) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (d) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats and resting birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contract's submitted reports, dated July 2009 and up to date surveys and include:-

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

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

- (e) The development hereby approved shall not be brought into use until a fully sheltered and secure cycle rack facility has been provided within the site in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority;
- (f) Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

(Notes to applicant:- (1) Applicant was advised that the development is located within a sewered area, with foul and surface water sewers. According to our records, there is a combined public sewer (foul/surface) crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems. The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus; (2) Applicant was advised that the

condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how bats and nesting birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.)

**104. Change of use of land to use as a small gypsy site to site one mobile Home and one touring caravan at Plot 15, Greenacres, Oxen Lane, North Curry (Application No. 24/09/0030)**

Reported that on the 26 August 2009 an application was received as above in respect of Plot 15 at Oxen Lane. The application was registered and consultees and neighbours were notified.

Given the history of the Oxen Lane site set out below, the Committee was asked to consider whether to exercise the powers under s70A of the Town and Country Planning Act 1990 to decline to determine the application.

If Taunton Deane declined to determine the application there would be no decision on the application and there could be no appeal to the Secretary of State. A decision to decline to determine could however be challenged by way of judicial review.

In order to decline to determine the present application, the Committee had to address the following questions/issues:-

- Q1. In the period since 26 August 2007, had the Secretary of State dismissed an appeal against a refusal of an application which was 'similar' to the present application (s70A(3) of the Town and Country Planning Act)?
- Q.2 If so, did Councillors think that there had been no significant change in the 'relevant considerations' since the Secretary of State's decision (s70A(1) of the Act)? and
- Q.3 If so, did Councillors consider that the guidance in Government Circular 8/2005 suggested that the discretion under s70A should be exercised?

Detailed responses to each of these questions were outlined in the report. The Growth and Development Manager had concluded that the discretion in s70A should be exercised and the application should not be determined.

However, it was important for the Members of the Committee to also consider the three questions posed.

**Resolved** that the determination of application No. 24/09/0030 in respect of Plot 15, Greenacres, Oxen Lane, North Curry be declined by the Local Planning Authority pursuant to its powers under s70 of the Town and Country Planning Act 1990.

**105. Planning (Listed Buildings and Conservation Areas) Act 1990 - Wet Finishing Works, Tone Works, Milverton Road, Wellington**

Reported that the Wet Finishing Works, Tone Works, Milverton Road, Wellington was part of a group of buildings, north of the River Tone, listed Grade II\*.

Particular concern over the deteriorating nature of the subject building had increased in the last year, mainly as a result of unauthorised access and theft, the latter largely being stripping of lead to roofs.

Whilst the owner had robustly blocked openings to negate unauthorised access, there remained issues in preventing further deterioration, particularly by ingress of water.

The Chairman had therefore authorised service of an Urgent Works Notice, which was issued on 15 September 2009. With an 80% grant from English Heritage it was anticipated that the subject works necessary for the preservation of the listed building would commence on or about 23 September 2009, by the Councils appointed contractor.

**Resolved** that the Chairman's authorisation to serve an Urgent Works Notice in respect of The Wet Finishing Works, Tone Works, Milverton Road, Wellington be endorsed.

**106. Unauthorised erection of a timber shed on the driveway of 17b Walkers Gate, Wellington**

Reported that a complaint had been received concerning the erection of a timber shed on the driveway of 17b Walkers Gate, Wellington in breach of the original planning condition.

That condition stated that at least one garage and one parking space had to be provided for each dwelling at Walkers Gate.

The owners of the property had been contacted who confirmed that the timber shed had been in position for at least four years and was therefore immune from enforcement action.

The site had been visited and measurements taken. In the view of the Growth and Development Manager, as it was still possible to accommodate two vehicles on the remaining part of the driveway the planning condition had not been breached.

**Resolved** that no further action be taken.

**107. Unauthorised erection of a fence and a smoking shelter at the Eagle Tavern, South Street, Taunton**

Reported that following receipt of a complaint, an enforcement notice was served in respect of a wooden fence and a smoking shelter which had been



erected at the Eagle Tavern, South Street, Taunton without planning permission.

In response to the notice, the fence had been removed and the shelter, which was still on the site, had been altered slightly.

A recent site inspection had taken place and, in the view of the Growth and Development Manager if an application to retain the smoking shelter was to be submitted, it was likely to be viewed favourably. In the circumstances it was considered not to be expedient to take further enforcement action.

**Resolved** that no further action be taken.

#### **108. Appeals**

Reported that seven appeal decisions had recently been received, details of which were submitted. Four appeals had been dismissed whilst three had been allowed.

Also reported that four new appeals had been lodged, details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.50 p.m.)



## **Planning Committee – 28 October 2009**

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Mrs Copley, Denington, C Hill, Horsley, House,  
Miss James, Mrs Stock-Williams, Stuart-Thorn, Watson and  
D Wedderkopp

Officers:- Mr G Clifford (Area Planning Manager, South), Mr B Kitching (Area  
Planning Manager), Mrs J Jackson (Legal Services Manager) and  
Ms M Casey (Planning and Litigation Solicitor)

Also present: Councillor Coles and Mr P Malim (Independent Member, Standards  
Committee)

(The meeting commenced at 5.00 pm)

### **109. Apologies/Substitutions**

Apologies: Councillors Bowrah, Brooks, Mrs Floyd and McMahon.

Substitutions: Councillor Stuart-Thorn for Councillor Bowrah  
Councillor Horsley for Councillor Brooks  
Councillor Mrs Stock-Williams for Councillor Mrs Floyd.

### **110. Minutes**

The minutes of the meeting held on 23 September 2009 were taken as read  
and were signed.

### **111. Members' Code of Good Practice**

Reference Minute No. 102/2009, Mr Peter Malim reported that the Standards  
Committee had met on 20 October 2009 and had approved the revised  
Planning Committee Members' Code of Good Practice.

### **112. Apology by Councillor Bowrah**

The Chairman read out an apology she had received from Councillor Bob  
Bowrah to the Members of the Planning Committee.

Councillor Bowrah had recently been found by the Standards Committee  
to have breached the Code of Conduct over comments he had made in  
connection with a planning application, which had been reported in the local  
press.

**Resolved** that the apology be noted.

### **113. Declarations of Interest**

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. The Chairman (Councillor Mrs Hill) declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Coles declared a personal interest as a Director of Southwest One. Councillor Stuart-Thorn declared a prejudicial interest as the Council's representative on the Board of the Taunton and Somerset NHS Trust and he left the meeting during the discussion of application No. 38/09/0195.

#### **114. Applications for Planning Permission**

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

That **planning permission be granted** for the under-mentioned developments:-

##### **38/09/0195**

**Construction of helicopter take off and landing apron (helipad), together with associated traffic control barriers, warning lights and modification to car park area and landscaping at Musgrove Park Hospital, Taunton**

##### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority;  
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority;  
(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (c) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (d) No lighting units other than those specified on the submitted drawing 578/02C shall be erected on site unless otherwise submitted to, and approved in writing by, the Local Planning Authority. Development shall

be carried out in accordance with the approved details and thereafter maintained as such;

- (e) The site shall normally be used by licensed air ambulance operators only;
- (f) The helipad and windsock lights shall only be illuminated when the helipad is in use and preparation for use.

(Notes to applicant:- (1) Applicant was advised that a clear management plan for the use of the helipad should be provided to safeguard the public; (2) Applicant was advised of the following requirements : **Wildlife and the law.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation; **Breeding birds.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; **Bats.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places. Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.)

#### **Reason for granting planning permission:-**

The proposal was considered not to have a significant adverse detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EN6 (Protection of Trees).

**42/09/0034**

**Erection of new dwelling within the curtilage of 2 Church Road, Trull**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (c) All rooflights hereby approved shall be flush fitting Conservation Style with a central glazing bar and fitted with obscure glazing in accordance with

details to be submitted to, and approved in writing by, the Local Planning Authority;

- (d) All windows/doors including obscure glazing hereby approved shall be of the design shown on the approved plans, unless otherwise agreed in writing with the Local Planning Authority;
- (e) The existing hedge on the roadside (north) boundary shall be retained and maintained at a height no less than 1.8m above ground level, with the exception of the small element to be removed to widen the access, unless otherwise agreed in writing with the Local Planning Authority. Before any part of the development hereby permitted is commenced, this hedge shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge, unless otherwise agreed in writing. The fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedge shall not be altered;
- (f) Before any part of the development hereby permitted is commenced, the access to be used in connection with the proposed dwelling shall be widened so as to have a minimum width of 5m over the first 10m of its length;
- (g) Before the dwelling is first occupied, the revised access/parking/turning shall be properly consolidated and surfaced (not loose stone or gravel). It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwelling;
- (h) The area allocated on the approved plan as parking and turning for the existing and proposed dwelling shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the existing dwelling, no. 2 Church Road and the dwelling hereby permitted;
- (i) Before any part of the development hereby permitted is commenced, there shall be no obstruction to visibility greater than 900mm above the adjoining road level forward of a line drawn 2m back from the carriageway edge on the centreline of the access and extending to a point on the nearside carriageway edge 33m to the east and 50m to the west of the access. Such visibility shall thereafter be maintained at all times;
- (j) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (k) Before any works are commenced, details of all guttering, downpipes and disposal of rainwater shall be submitted to, and approved in writing by, the Local Planning Authority;
- (l) All services shall be placed underground;
- (m) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no extensions, other alterations (including balconies, windows, chimneys, flues, antennae) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E and G-H of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

(Notes to applicant:- (1) Applicant was advised that it will be necessary, if required, for the developer to agree points of connection with Wessex Water, for water supply and the satisfactory disposal of foul flows; (2) Applicant was advised that to be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, the applicant should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus; (3) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Area Office. Application for such a Permit should be made at least three weeks before access works are intended to commence; (4) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services; (5) Applicant was advised that soakaways should be constructed in accordance with British Research Digest 365 (September 1991).)

**Reason for granting planning permission:-**

The proposed dwelling had been designed to be in keeping with surrounding properties and to avoid harm to the residential amenities of nearby dwellings. It was considered to preserve the character and appearance of the Conservation Area, not to detract from the street scene and to be in keeping with the surrounding pattern of development. Sufficient car parking was available and adequate visibility splays could be provided, by virtue of the restrictive covenant on the adjacent land, to overcome previous highway safety concerns. As such, the proposal was in accordance with Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1 (General Requirements), S2 (Design) and EN14 (Conservation Areas) of the Taunton Deane Local Plan.

**115. Non-compliance with the requirements of an Enforcement Notice – Sherford Bridge Farm, Sherford Road, Taunton**

Reference Minute No. 40/2009, reported that the Environment Agency had been contacted as to the additional risk of flooding which could be directly attributable to the remaining concrete area at Sherford Farm, Sherford Road, Taunton.

In its response, the Environment Agency had stated that the remaining slab would have a minimal impact provided its finished crest level was the same as the surrounding ground levels. The owners of the land had claimed that historically the ground level was at a much higher level than the concrete slab; a claim disputed by the owners of Sherford Bridge House.

An independent drainage engineer had subsequently been commissioned by the Council to ascertain the impact of the concrete slab on the flooding of the area. The engineer had concluded that the concrete did not materially affect the levels of flooding.

The Council had also sought advice from a senior barrister who specialised in drainage and environmental issues. He was specifically asked the following:-

- Was the remaining concrete permitted to remain at the site under the remit of long/established use and/or under permitted development rights? If so, would it be practical to put the matter before the Committee with a recommendation to withdraw the court proceedings in the Magistrates' Court for non-compliance with the enforcement notice?
- Regardless of whether or not the remaining concrete could be permitted to remain under the remit of long/established use and/or under permitted development rights, were there any legal courses of action (for example injunction or direct action) available to the Council to ensure the removal of the remaining concrete due its impact on flooding and if so, what were the Council's chances of success of legal action?
- Which was the most appropriate body to take responsibility for taking legal action to enforce the removal of the remaining concrete?

In his response the barrister advised that the concrete slab was "permitted development" as it was an engineering operation within the permitted size limits of A1(d).

The barrister's detailed responses to the above questions was detailed in the report. However, his conclusions were that:-

- (1) The proceedings in the Magistrates' Court could be considered disproportionate and should therefore be withdrawn; and
- (2) If the owner of Sherford Bridge House was concerned about the flood risk to his home, he had a private right of action in nuisance against the owners of Sherford Farm under the doctrine of *Leakey v The National Trust* [1980] QB 485.

In the circumstances, Members felt that there was nothing further the Council could do in relation to the concrete slab.

**Resolved** that:-

- (i) the Solicitor to the Council be authorised to apply to the Magistrates to withdraw the current legal proceedings against the owners because it was not in the public interest to continue with the prosecution; and



- (ii) in light of Counsel's Advice no further action be taken to secure removal of the concrete base either by way of injunction or direct action.

**116. Stationing of two touring caravans for residential occupation on the orchard adjacent to Bowdish Farm, North Curry**

Reported that it had come to the Council's attention that an orchard adjacent to Bowdish Farm, North Curry was being used without planning permission to station touring caravans used for residential occupation.

In recent weeks, one of two touring caravans which had previously been on the land had been replaced with a larger touring caravan together with a gazebo structure.

Although the owner of the land had now submitted a planning application for a large, log cabin type dwelling, no permission existed in respect of the touring caravans.

**Resolved** that:-

- (i) Enforcement action be taken to remove the unauthorised touring caravans being used for residential purposes on an orchard adjacent to Bowdish Farm, North Curry; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**117. Appeals**

Reported that one appeal decision had recently been received, details of which were submitted. The appeal had been allowed.

Also reported that one new appeal had been lodged, details of which were also submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.15 p.m.)



## Planning Committee – 18 November 2009

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Bowrah, Brooks, Mrs Copley, Critchard,  
Denington, Mrs Floyd, C Hill, House, Miss James, McMahon and  
D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr J Hamer  
(Development Control Area Manager, West), Mr M Bale (Principal  
Planning Officer), Mr G Clifford (Area Planning Manager, South), Mr A  
Pick (Principal Planning Officer, West), Mrs J Jackson (Legal Services  
Manager), Ms M Casey (Planning and Litigation Solicitor) and Mr R  
Bryant (Democratic Services Manager)

Also present: Councillors Coles and Court, Govier (in relation to application No  
43/09/0082) and Williams (in relation to application No 19/09/0007LB)

(The meeting commenced at 5.00 pm)

### 118. Apologies

Apologies: Councillors Ms Durdan and Watson.

### 119. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. The Chairman (Councillor Mrs Hill) declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Coles declared a personal interest as a Director of Southwest One. Councillors Bowrah, Critchard and Mrs Copley declared personal interests as Members of Wellington Town Council. Councillor Govier declared personal interests both as a Member of Somerset County Council and Wellington Town Council

### 120. Applications for Planning Permission

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

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

**10/09/0024**

**Erection of agricultural storage shed at Vencroft Farm, Churchstanton  
(retrospective - resubmission of 10/08/0023)**

**Conditions**

- (a) (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 the commencement of development.
- (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

**Reason for granting planning permission:-**

The proposal was considered not to harm the landscape character of the Area of Outstanding Natural Beauty and would not harm neither visual nor residential amenity. Accordingly the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H17 (Extensions to dwellings) and EN10 (Areas of Outstanding Natural Beauty).

**Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-**

The Committee considered that the building was not out of place in its current setting and that local views had indicated that flooding was unlikely to be an issue.

**21/09/0020**

**Erection of a dwelling in the garden of 5 Swifts, Langford Budville (resubmission of 21/08/0029)**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (c) Prior to the commencement of the development hereby permitted a visibility splay shall be provided to the north-east of the proposed access such that there is no obstruction to visibility greater than 900mm above the adjoining carriageway level in the area coloured green on the attached plan unless otherwise agreed in writing by the Local Planning Authority. The visibility splay once constructed shall be thereafter maintained as such, being permanently kept free from obstruction;

- (d) Prior to the commencement of the development hereby permitted, full details of the proposed retaining wall including finishes, height and location (to accord with condition (c) above) together with details of the finish for the area between the retaining wall and the back of the footway. The wall shall be constructed prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such;
- (e) Prior to the commencement of the development hereby permitted, full details of the proposed site levels and finished floor levels of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and shall thereafter be maintained as such;
- (f) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no extensions or roof alterations shall be carried out to the dwelling hereby permitted and no fences, gates, walls or other means of enclosure shall be constructed on or around the site other than that expressly authorised by this permission without the further grant of planning permission.

#### **Reason for granting planning permission:-**

The proposed development provided sufficient amenity space and the site was adequate for the size of dwelling proposed. The proposed dwelling did not dominate the street scene, was compatible with the surrounding area and did not completely mask views of the church. The character and appearance of the Conservation Area and setting of nearby listed buildings was preserved and the development therefore accorded with Policies S1, S2 and EN14 of the Taunton Deane Local Plan, Policy 9 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-**

The Committee was of the view that the proposed dwelling was of a suitable size to be accommodated on the site, there was sufficient amenity space, the proposal did not dominate the street scene and that the views from the churchyard would not be masked by the development.

**27/09/0020REX**

**Erection of a horticultural nursery to include poly tunnel and construction of access at land south of Harris's Farm, Hillcommon (to replace extant permission 27/06/0015)**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the

building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority;

- (c) (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority;
- (d) Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (e) Details of arrangements to be made for the prevention of surface water being discharged onto the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall be provided before the proposed access is brought into use;
- (f) Prior to commencement of the development hereby approved, details of any entrance gates to be erected shall be submitted to, and approved in writing by, the Local Planning Authority and retained as such thereafter. Any such gates shall be hung to open inwards and shall be set back a minimum of 10m from the carriageway edge;
- (g) The existing access shall be permanently closed when the access hereby permitted is brought into use. Details of the means of closure shall be submitted to, and approved in writing by, the Local Planning Authority before any part of the development is commenced;
- (h) The visibility splays shown on the submitted plan 18274/001/SK01/A shall be constructed prior to the commencement of the use of the premises and unobstructed visibility shall be provided above a height of 300 mm from adjoining carriageway level and thereafter be maintained to the satisfaction of the Local Planning Authority;
- (i) Before any work is commenced, details of the levels and construction details of the access and driveway shall be submitted to, and approved in writing by, the Local Planning Authority and no variation from the approved levels shall take place without the express written consent of the Local Planning Authority;
- (j) Prior to the new access and drive being brought into use, it shall be hard surfaced in tarmac or such other material as shall be agreed in writing by the Local Planning Authority for a distance of 10m back from the edge of the carriageway;
- (k) Prior to commencement of works on site, a full wildlife survey shall be undertaken by a qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey

and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;

- (l) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place;
- (m) No external lighting shall be installed on site without the prior written consent of the Local Planning Authority;
- (n) The development hereby approved shall only be used for nursery/ horticultural purposes only as described in the applicants e-mail dated 29 September 2006;
- (o) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no additional floors, including mezzanine floors shall be erected in the development hereby approved without the express grant of planning permission unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that the soakaway should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised that any alteration to the footpath, route or surface, must be authorised by the County Council. The path must remain open and unobstructed at all times; (3) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.)

#### **Reason for granting planning permission:-**

There had been no significant change in policy guidance or material considerations since the previous permission was granted on the 12 October 2006, reference No 27/06/0015. It was therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission was acceptable. The proposal accorded with Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

**38/09/0324**

**Erection of 2 semi-detached houses on land between 2A and 3 Burns Road, Taunton (resubmission of 38/09/0241)**

#### **Conditions**

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

- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
  - (c) The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access;
  - (d) Before the building hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel). It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwelling;
  - (e) Before any part of the development hereby permitted is commenced, there shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall thereafter be maintained at all times;
  - (f) The area allocated for parking on submitted drawing No 09009 L 01 02 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the existing dwelling, No. 3 Burns Road and the dwellings hereby permitted;
  - (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
  - (h) The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2m x 2m;
  - (i) All services shall be placed underground;
  - (j) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no extensions, other alterations (including balconies, windows) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
  - (k) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
  - (l) None of the dwellings shall be occupied until works for the disposal of surface water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
  - (m) Prior to the commencement of development, details of the bin stores shall be submitted and agreed in writing with the Local Planning Authority.
- (Notes to applicant:- (1) With reference to Condition (l), applicant was informed that any soakaways should be constructed in accordance with



British Research Digest 365 (September 1991). Should porosity tests show that ground conditions are unfavourable then a suitably sized retention tank incorporating an outflow limiting device should be used; (2) Applicant was advised to contact the Council's Housing Property Manager and the Assets Holding Manager prior to the commencement of development to seek any necessary consents as the land is former Taunton Deane land; (3) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant was advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Highways Office, Burton Place, Taunton. Application for such a permit should be made at least four weeks before access works are intended to commence; (4) Applicant was advised that it will be necessary for the developer to agree points of connection with Wessex Water, for water supply and the satisfactory disposal of foul flows. The applicant should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.)

#### **Reason for granting planning permission:-**

The proposed dwellings had been designed to be in keeping with surrounding properties and to avoid harm to the street scene and the residential amenities of nearby dwellings. Sufficient car parking was provided, in view of the close proximity of the town centre and the proposal was not considered to result in detriment to highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements) and S2 (Design) of the Taunton Deane Local Plan.

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

**08/09/0010**

**Erection of single storey dwelling on land to the north of the former Maidenbrook Farmhouse, Cheddon Fitzpaine**

#### **Reasons**

- (a) The proposed dwelling by reason of its juxtaposition with the A3259, the adjacent farmhouse and barn conversions would be out of keeping with the character of the area and detrimental to the setting of the listed building. Furthermore there is no evidence of any previous buildings on this land and therefore no historic justification for the resultant intrusion and harm to the setting of the listed farmhouse. The proposal is therefore considered to be contrary to Taunton Deane Local Plan saved Policies

S1(D) and S2(A), Somerset and Exmoor National Park Joint Structure Plan Policy 9 and Planning Policy Guidance Note 15 Planning and the Historic Environment, and Section 6.6 (1) of the Planning (Listed Building and Conservation Areas) Act 1990;

- (b) The proposed dwelling would be located on land considered to be important to maintain the rural character of the transition zone between the developed land to the south and the open countryside to the north of the A3259 and it is considered that the proposed dwelling would result in an urbanisation of the area out of keeping with and detrimental to the character and appearance of the area and contrary to Taunton Deane Local Plan Policies S1 (D) and S2 (A).

### **19/09/007LB**

#### **Erection of single storey extension to west elevation at Buttles Lodge, Village Road, Hatch Beauchamp**

##### **Reason**

The proposal, by reason of the alterations to the classical, intact, principal facade, would have a significant, irretrievable and seriously detrimental impact on the character of this Grade II Listed Building without adequate justification. In addition, the proposed extension would unbalance the near symmetry of the extant building, hence compromising its compact composition, all of which is contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and PPG15.

#### **121. Demolition of nursery buildings and redevelopment to provide up to 113 dwellings, 3121 square metres of employment land Class B1 (non-office) and B8, open space, revised access and associated highway improvements at Rylands Nurseries and Sunnymead, Bagley Road, Rockwell Green, Wellington (43/09/0082)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to provide the following:-

- (1) 30% of the development to be 'affordable housing' of which two thirds to be social rented and one third to be an intermediate 'rent-to-buy' product;
- (2) A contribution of £281,911 (£2,494.79 per dwelling) towards improvements to the capacity of Rockwell Green Primary School;
- (3) The provision of on-site play facilities catering for 0-17 year olds, plus a commuted sum for maintenance;
- (4) A contribution of £1,023 per dwelling towards off-site active recreation provision and sports pitches, to be spent within a 2 mile radius of the site;

- (5) A contribution of £30,000 towards improvements to Rockwell Green Village Hall or other community facilities within a 2 mile radius;
- (6) The developer to agree a travel plan and implement it, including a payment of £300 per dwelling towards a green travel voucher; and
- (7) The payment of £5000 towards improvements to the strategic cycling network within the vicinity of the development,

the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, and if outline planning permission was granted, the following conditions be imposed:-

- (a) No development shall commence until approval of a Residential Phasing Scheme for the site has been obtained from the Local Planning Authority in writing and no development of any Phase shall commence until the details of the layout, scale, appearance and landscaping of the Phase (hereinafter called 'the reserved matters') have been obtained from the Local Planning Authority in writing. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission in the case of the residential development and five years from the date of this permission in the case of employment development. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The employment buildings shall be limited to uses within Classes B1 (b) and (c) and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended and for no other purpose;
- (c) Prior to the occupation of 50% of the dwellings, Freehold Serviced Employment Land shall have been provided in accordance with details which shall have been agreed in writing by the Local Planning Authority prior to the commencement of the development. For the purpose of this permission, Freehold Serviced Employment Land means land that has the benefit of a junction to Bagley Road built to an adoptable standard and which extends into the site at least as far as the turning head indicated in the southwest corner of the site on drawing No CD926 SP 10 and that has been cleared and levelled ready for development and has adequate mains electricity/water/surface water drainage and foul drainage available to it at no cost unless otherwise agreed in writing by the Local Planning Authority;
- (d) The Freehold Serviced Employment Land required by condition (3) shall be marketed at market value in accordance with a marketing scheme that shall be agreed in writing by the Local Planning Authority prior to the commencement of the development of the Freehold Serviced Employment Land;
- (e) Noise from any part of the premises or land to which this permission refers shall not exceed background levels by more than 5 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the façade of any residential or

noise sensitive boundary - Monday-Friday 0800-1800; Saturday 0800-1300.

At all other times including Sundays and Public Holidays, noise emissions shall not be audible when measured at any point at the façade of any residential or noise sensitive boundary. Noise emissions having tonal characteristics, for example hum, drone or whine shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted 90th percentile level measured at an appropriate time of day and for a suitable period of not less than 10 minutes;

- (f) No dwellings shall be occupied until the pedestrian/cycle link has been formed from the site to Blackdown Road, as indicated in drawing No 19683/001/010/A and in accordance with further details that shall be submitted and approved in respect of condition (a);
- (g) No development shall be occupied until the works to the public highway indicated in Drawing Nos 19683/001/002 revision C and 19683/001/004 revision A submitted as part of the Transport Assessment have been completed, unless otherwise agreed in writing by the Local Planning Authority;
- (h) Prior to the occupation of any dwellings hereby permitted, a removable obstruction shall be installed and thereafter retained as such on the link between the development and Blackdown Road that can only be removed by the emergency services, such that access to the general public is only available via foot or cycle, in accordance with details that shall be submitted in accordance with condition (a);
- (i) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details that shall have been submitted to and agreed in writing before their construction begins, or as part of the details submitted in accordance with condition (a). For this purpose the details shall include plans and sections, indicating as appropriate the design, levels gradients, materials and method of construction;
- (j) The proposed estate roads, including footpaths and turning spaces where applicable shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing public highway;
- (k) Prior to the commencement of the development hereby permitted, full details of the treatment of the boundary between the site and Rylands Industrial Estate to the south and west shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed details shall be implemented prior to any development (except site clearance) taking place and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (l) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority.

The strategy shall be based on the advice of Sunflower Ecological Consultancy's submitted report, dated October 2008 and up to date surveys and include:- Details of protective measures to include method statements to avoid impacts on slow worms during all stages of development; Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance; Measures for the enhancement of places of rest for wildlife.

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

- (m) No development hereby permitted shall take place until a surface water run-off limitation scheme has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the agreed programme and details;
- (n) No development other than the demolition of the existing buildings and site clearance, or that required to be carried out as part of an approved scheme of remediation, shall commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

(a) Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:-
- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 01, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 02, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 03.

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

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate

- the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11';
- (o) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site shall be submitted to, and approved in writing by, the Local Planning Authority as part of the reserved matters submission required by condition (a). The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority;
  - (p) Prior to the commencement of the development hereby permitted, the hedges and trees indicated as to be retained on plans submitted in accordance with condition (a) shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge or tree canopy and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered unless otherwise agreed in writing by the Local Planning Authority;
  - (q) The development shall provide public open space and a children's play area in accordance with details that shall be submitted in respect of condition (a). The areas shall be laid out prior to the occupation of 50% of the dwellings hereby permitted and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority;
  - (r) Prior to its installation, details of any street lighting or any exterior lighting to be installed around the industrial buildings shall be submitted to, and agreed in writing by, the Local Planning Authority. The details shall include the type of lighting, its position and hours of operation. The lighting shall be installed in accordance with the agreed details and the agreed hours of operation shall thereafter be strictly adhered to;
  - (s) The hours of working on site during construction shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays and no working shall take place on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The term 'working' shall for the purposes of clarification of this condition include:- the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant/machinery, deliveries to the site and movement of vehicles within the site.

(Notes to applicant:- (1) Applicant was advised that it is expected that the development will be laid out in accordance with drawing No CD926 SP 10 received 19 October 2009, which indicates the means of access hereby approved and the layout principles for the development; (2) Applicant was advised that the marketing strategy required by condition (d) is expected to demonstrate how the employment sites will be marketed and sold to individual businesses rather than sold as an entity to a speculative developer; (3) Applicant was reminded that condition (l) relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a

mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation should be irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning permission) must comply with the appropriate legislation; (4) Applicant was recommended to investigate and specify appropriate Sustainable Drainage Systems (SuDs) for surface water disposal from this site, in order to reduce the rate of run off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:- (a) Interception and reuse; (b) Porous paving/surfaces; (c) Infiltration techniques; (d) Detention/attenuation; and (e) Wetlands. A copy of the Environment Agency's leaflet on Sustainable Drainage Systems is available on request; (5) Applicant was advised that the surface water drainage required by condition (m) for the proposed development must meet the following criteria:- (a) Any outflow from the site must be limited to greenfield run-off; (b) The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume); (c) If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing; (d) Adoption and maintenance of the drainage system must be addressed and stated. Details of the proposed methods to meet these criteria should be submitted in due course for the Environment Agency to recommend the relevant planning condition be discharged; (6) Applicant was advised that any culverting of a watercourse requires the prior written approval of the Environment Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings; (7) Applicant was advised that there must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively; (8) Applicant was advised that the Environment Agency would like the developer to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction; (9) Applicant was advised that in England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.)

### **Reasons for outline planning permission, if granted**

The proposal provided for a mix of residential and employment development that helped to promote the self-containment of Rockwell Green and



Wellington in accordance with Policy B of the emerging Regional Spatial Strategy. It provided a good, well considered use for the existing previously used site, which was within a reasonable walking distance of local schools, shops and bus services. It was considered to be a sustainable development that would have an acceptable impact upon the local highway network, wildlife, local schools and open space, in accordance with Policies SD1, SD3, CSS, D, H3, CS1, SK1 and GI7 of the emerging Regional Spatial Strategy, Policies S1, S2, EN3, M1, M2, M3, M4, C1 and C4 of the Taunton Deane Local Plan, Policies STR1, STR4, 1 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statements 1 and 3.

**122. Proposed development at Station Farm, Bishops Lydeard : Affordable Housing provision**

Reference Minute Nos 49, 50, 51, 52 and 53/2008, reported that discussions had been continuing with regard to the content of the Section 106 Agreement relating to the applications for development at Station Farm, Bishops Lydeard which had been considered by the Committee on 21 May 2008.

The one outstanding item was in respect of the affordable housing contribution. The applicants had approached the Council requesting that the provision of affordable housing be reduced from the previously agreed 14 units (comprising rented, shared ownership units and low cost open market units) to 8 units to be provided through a Registered Social Landlord (RSL) for social rented or other such tenure as shall be agreed with Taunton Deane.

The proposals sought to bring about the expansion of facilities at the southern terminus of the West Somerset Railway, the provision of new tourist facilities, some employment and other leisure development and housing, both open market and affordable. The latter was incorporated in order to “enable” the other elements of the development to take place.

Progress on concluding the Section 106 Agreement had stalled due to the underlying financial viability, having regard to the cost of the facilities to be provided, the cost of substantial off-site road works (and other servicing) and a significant fall in value of residential development land.

The revised proposal with regard to affordable housing provision clearly made the scheme more commercially viable in the current economic climate and should enable the proposed development to come forward. The proportion of affordable units would still be in excess of 20%, which was a reasonable contribution given the cost of off-site highway works and less financially lucrative tourism and employment elements.

Noted that even with the proposed adjustment to the Section 106 Agreement requirements, it still had to be assumed that there had to be some increase in underlying residential land values in order to make the scheme deliverable. The proposed change would make this more probable over the next three years.

**Resolved** that the affordable housing provision for the development at Station Farm, Bishops Lydeard be reduced from the previously agreed 16 units to 8 units and the proposed Section 106 Agreement be amended accordingly.

**123. Stationing of a mobile home on land at Bullockfield Hill, Stawley, Wellington**

Reported that it had come to the Council's attention that an area of land at Bullockfield Hill, Stawley, Wellington was being used without planning permission to station a mobile home used for residential occupation.

Although the owner had submitted a planning application to use the mobile home in connection with a small holding, an agricultural appraisal had shown that full time occupation of the mobile home could not be justified. The application had therefore be withdrawn but the mobile home was still occupied.

**Resolved** that:-

- (i) Enforcement action be taken to remove the unauthorised mobile home being used for residential purposes on land at Bullockfield Hill, Stawley, Wellington; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**124. Erection of gates to cattery entrance at Four Winds, Upper Cheddon, Cheddon Fitzpaine**

Reported that it had come to the Council's attention that a high fence and gates had been erected without planning permission at the entrance to Four Winds, Upper Cheddon, Cheddon Fitzpaine.

The owners of the property had been contacted and although a planning application had been submitted, it had subsequently been refused under delegated powers. Despite this, no action to remove the fence and gates had been taken.

**Resolved** that:-

- (i) Enforcement action be taken to remove the unauthorised high fence and gates which had been erected at the entrance to Four Winds, Upper Cheddon, Cheddon Fitzpaine; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**125. Stationing of a mobile home on land at Knapp Farm, Hillfarrance Road, Hillfarrance, Taunton**

Reported that an area of land at Knapp Farm, Hillfarrance Road, Hillfarrance, was being used without planning permission to station a mobile home used for residential occupation.

The mobile home had been located on the land in connection with major refurbishment works that had been carried out to Knapp Farmhouse, the adjoining property, and had been occupied by a member of the owner's family.

However, the mobile home was currently occupied by persons unknown who appeared to have no connection with the owners of Knapp Farmhouse.

**Resolved that:-**

- (i) Enforcement action be taken to remove the unauthorised mobile home being used for residential purposes on land at Knapp Farm, Hillfarrance Road, Hillfarrance; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**126. Development not as approved plans together with unauthorised boundary fence at Eastwick Farm, Eastwick Road, Taunton**

Reported that a complaint had been received that it appeared the new development at Eastwick Farm, Eastwick Road, Taunton exceeded the boundary of the site and that a 1.8m high wooden fence had been erected on an area of land outside of the site.

This complaint had been investigated and it had been found that the works carried out, comprising of car parking spaces and bin storage together with the erection of a timber fence was unauthorised.

**Resolved that:-**

- (i) Enforcement action be taken to ensure compliance with the approved plans in respect of the development at Eastwick Farm, Eastwick Road, Taunton; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**127. Use of portable buildings on land at Gaia, Hillfarrance, Taunton**

Reported that it had come to the Council's attention that an area of land south-west of Allerford Farm, Hillfarrance known as 'Gaia' was being used without planning permission to station a number of portable buildings used for residential occupation.

**Resolved that:-**

- (i) Enforcement action be taken to remove the unauthorised portable buildings being used for residential purposes on land at Gaia, Hillfarrance; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**128. Provision of a raised decking area at 1 Trevett Road, Taunton**

Reference Minute No. 65/2006, reported that despite an enforcement notice being served, a planning application being submitted which was refused and protracted discussions with the owners of 1 Trevett Road, Taunton, the unauthorised decking area was still in position.

Reported that at the most recent meeting with the owners, the removal of the structure to ensure compliance with the enforcement notice had been discussed. As the owners currently lived abroad, they had indicated that they would be content for the Council's contractors to remove the unauthorised structure. A charge would be placed on the property so that when it was sold, Taunton Deane would recoup the cost of such works.

**Resolved** that direct action to demolish and remove the unauthorised structure at 1 Trevett Road, Taunton be authorised.

**129. Enforcement Action – Lower Fyfett Farmhouse, Otterford, Chard**

Reference Minute No. 40/2008, reported that the enforcement notice served in respect of the change of use of agricultural land to form an access drive to Lower Fyfett Farmhouse, Otterford, Chard had not been complied with.

Accordingly, proceedings had been taken against the owners in the Magistrates' Court on 29 October 2009. The owners had pleaded guilty to the charge of failing to comply with the notice and had been fine £2,000 and ordered to pay £50 costs.

**Resolved** that the report be noted.

**130. Appeals**

Reported that two appeal decisions had recently been received, details of which were submitted. Both had been dismissed. One further appeal had been withdrawn.

Also reported that two new appeals had been lodged, details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 8.17 pm.)

## **Planning Committee – 25 November 2009**

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bowrah, Brooks, Mrs Copley, Ms Court, Critchard,  
Denington, Ms Durdan, Mrs Floyd, C Hill, House, Miss James,  
McMahon, Watson and D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr G Clifford (Area  
Planning Manager, South), Mr P Lowdnes (Group Manager, Transport  
Development, Somerset County Council) Mrs J Jackson (Legal  
Services Manager), Ms M Casey (Planning and Litigation Solicitor)

Also present: Councillor Coles and Councillors Morrell, Paul and Stuart-Thorn all in  
connection with application No. 05/07/005

(The meeting commenced at 6.15 pm)

### **131. St. Andrews Church Hall, Taunton**

The Chairman welcomed everyone to St. Andrews Church Hall, Taunton for  
the resumption of the consideration of application No. 05/07/005 in relation to  
land west of Bishops Hull Road, Bishops Hull.

### **132. Apology**

Councillor Bishop.

### **133. Declarations of Interest**

Councillors Brooks, McMahon and D Wedderkopp declared personal interests  
as Members of Somerset County Council. The Chairman (Councillor Mrs Hill)  
declared a personal interest as an employee of Somerset County Council.  
Councillor Miss James declared a personal interest as an employee of Viridor.  
Councillor Coles declared a personal interest as a Director of Southwest One.  
Mr J Hamer (Development Control Area Manager) declared a prejudicial  
interest as a local resident and left the meeting during the consideration of the  
item.

### **134. Residential development of 7.65 ha, together with open space provision and access on land west of Bishops Hull Road, Bishops Hull (05/07/0057)**

Reference Minute No. 99/2009, the Committee received the further report of  
the Growth and Development Manager on the above application following  
deferral of the matter at the meeting of the Committee on 23 September 2009.

Further consideration of the transport and highway issues had taken place  
between the County Highway Authority and the Developer.

The conclusion had been reached that the proposed development was in a sustainable location and the highway works proposed would assist in addressing safety concerns and would not have a significant impact on the local highway network. It was also considered that the works would also assist in the promotion of sustainable travel. The County Highway Authority therefore supported the proposals and the granting of outline planning permission.

The Committee took into account this information and the representations of the Ward Councillors, the County Councillor, the Bishops Hull Parish Council and many local residents who had attended the meeting to oppose the application. Representations were also received from the developer.

**Resolved** that subject to:-

(1) referral of the application to the Government Office for the South West under the Departure Procedures; and

(2) the applicant entering into a Section 106 Agreement to provide for the following:-

(i) A commuted sum for the provision of open space, hedgerows and play area maintenance and the submission of an agreed Ecological Management Plan to cover the future maintenance responsibilities and management of the landscape framework, hedges ponds and surface water attenuation areas, detail measures for the avoidance of harm, mitigation and compensation in respect of legally protected species and measures for the enhancement of biodiversity;

(ii) A commuted sum of £1023 per dwelling for sport/playing pitch provision;

(iii) An affordable housing provision of 35% on the basis of these being 50% social rented, 25% shared ownership and 25% low cost open market;

(iv) A contribution of £186,120 towards the provision of a community hall facility in the village to be returned if a suitable project cannot be identified;

(v) The provision of a contribution of £115,000 to the reinforcement of off-site water supply facilities;

(vi) The provision of a commuted sum for the maintenance for the surface water control and attenuation device;

(vii) An education contribution that equates to £15,531 for each additional secondary school place required to be provided,

(viii) The provision of off site highway works including improvements on the A38 at Bishops Hull crossroads, including an enhanced Right Turn Lane together with a Prohibition of Entry Order into Bishops Hull Road to enable a footway to be provided along the western side, the design to be determined prior to commencement, and the provision of footways to link the site to both Bishops Hull village and Waterfield Drive and on to Bishops Hull Crossroads. An assessment of the existing traffic calming and, if appropriate, the carrying out of alterations to facilitate a reduction in speed; and

(ix) The production and implementation of a residential travel plan to provide sustainable transport measures in the vicinity. This to include the enhancement of the Local Shuttle Service 3 to half hour frequency. The provision of a £300 green travel voucher for a maximum of three different tenures in each dwelling for a five-year period,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission was granted, the following conditions be imposed:-

- (a) Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to, and approved in writing, by the Local Planning Authority;
- (b) Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission;
- (c) Within a period of 3 years from the date of this permission, details of the arrangements to be made for the disposal of foul water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;
- (d) Within a period of 3 years from the date of this permission, a programme of the phasing of the development shall be submitted to, and approved in writing by, the Local Planning Authority and the development of the estate shall not proceed other than in accordance with the approved programme;
- (e) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
- (f) No development shall be commenced until a scheme for the provision of surface water drainage works, including attenuation to the 1 in 2 year Greenfield Run-off has been submitted to, and approved in writing by, the Local Planning Authority. The drainage and attenuation works shall be completed in accordance with the details and timetable agreed;
- (g) No development approved by this permission shall be commenced until a full operation and maintenance strategy has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the



- development scheme;
- (h) No development approved by this permission shall be commenced until a scheme preventing the retained water in the pond from flooding the existing garden located north-east of the pond. This must be submitted to, and approved in writing by, the Local Planning Authority;
  - (i) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to, and be approved in writing by, the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority;
  - (j) Before any part of the permitted development is commenced a phased landscape scheme of planting of trees and shrubs which shall include details of species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority. Each phase shall be completed to the satisfaction of the Local Planning Authority before the development of the following phase commences. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs as may be approved in writing by the Local Planning Authority;
  - (k) Before any part of the development is commenced detailed drawings shall be submitted to, and approved in writing by, the Local Planning Authority showing existing and proposed levels and contours of the development site;
  - (l) Details of the hedges and trees to be retained on site shall be submitted to, and approved in writing by the Local Planning Authority and the hedges so identified shall thereafter be retained and not removed or lowered in any way without the prior written approval of the Local Planning Authority;
  - (m) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
  - (n) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place;
  - (o) Public open space shall be provided in accordance with the Local Planning Authority's approved standards and detailed site layout shall provide for these accordingly. These areas shall be laid out to the satisfaction of the Local Planning Authority at a timescale to be agreed in writing by the Local Planning Authority;
  - (p) A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of

commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation;

- (q) No development shall take place until details of a scheme for the retention of the badger sett(s), including the establishment of a 30m exclusion zone around which all building, engineering and other operations and all vehicles and personnel working on the site should be excluded shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the means of fencing off the exclusion zone (and restoration of the area around the exclusion zone within 3 months of completion of the development). The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority;
- (r) No construction work shall commence on site until details of a scheme for water efficiency has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details;
- (s) No dwelling construction work shall commence on site until details of a scheme of energy efficiency measures and sustainable construction have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details;
- (t) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority before development is commenced;
- (u) Details of the noise levels for any pumping station to be provided on site shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being installed;
- (v) Details of siting and design of any electricity substation required to serve the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to work on its provision commencing;
- (w) No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological works involving both a phased evaluation (earthwork survey, geophysical survey) and appropriate mitigation (excavation) in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority;
- (x) Details of the restoration of the ponds on the site shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the work commencing and shall include details of any planting which shall thereafter be carried out;
- (y) Details of any street lighting or any exterior lighting to be installed adjacent to or within the public open space or next to public rights of way shall be submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be installed as agreed;
- (z) The development hereby permitted shall not be commenced until a further wildlife survey is carried out to support the provision of the ecological management plan and shall be agreed in writing by the Local Planning Authority;
- (aa) Visibility splays of 2.4m x 43m in both directions shall be provided at the

- point of access to Bishops Hull Road prior to occupation of any dwelling and there shall be no obstruction within the splays in excess of 300mm unless otherwise agreed in writing by the Local Planning Authority;
- (bb) A 2m wide footway along the whole site frontage in a specific location to be agreed in writing with the Local Planning Authority shall be provided prior to the occupation of any dwelling;
  - (cc) No development shall take place until the scheme for the alterations of Bishops Hull crossroads shall have been agreed in writing with the Local Planning Authority;
  - (dd) No dwelling shall be occupied until the junction works agreed at the Bishops Hull crossroads shall be constructed and opened to traffic;
  - (ee) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, emergency access barriers, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections indicating as appropriate, the design, layout, levels, gradients, materials and method of construction, shall be submitted to the Local Planning Authority;
  - (ff) The proposed roads, including footpaths and turning spaces, where applicable, shall be constructed in such a manner to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
  - (gg) A wheel wash facility for construction vehicles shall be provided within the site and employed on vehicles leaving the site;
  - (hh) The hours of working on site during construction shall be restricted to 08:00hrs - 18:00hrs Monday to Friday and 08:00hrs – 13:00hrs on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall for the purpose of clarification of this condition include: the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant/machinery, deliveries to the site and movement of vehicles within the site. Any working outside these hours shall have the prior written consent of the Local Planning Authority.
- (Notes to Applicant:- (1) Applicant was advised that the ecological management plan should be based upon the recommendations in the Extended Phase 1 Survey by Michael Woods Associates dated September 2007. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning permission) must comply with the appropriate wildlife legislation; (2) Applicant was advised of the need to maintain the public right of way of footpath T3/18 and you should contact the County Council Rights of Way section to discuss any works affecting the route; (3) Applicant was advised that no approval is hereby given to the indicative site layout and details of the children's play area needs to be re-sited away from the pond; (4) Applicant was strongly recommended to include sustainable design and construction measures, which comply with the Code for Sustainable Homes,

within the development. The development should aim to achieve the highest number of stars possible, preferably six. The applicant is advised to visit [www.planningportal.gov.uk/uploads/codeforsusthomes.pdf](http://www.planningportal.gov.uk/uploads/codeforsusthomes.pdf) for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and will soon be compulsory for all housing. In a sustainable building, minimal natural resources and renewables are used during construction and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced;

(5) Applicant was advised that water availability is limited in the south-west even though both Wessex Water and Bristol Water are deemed to be at a low level of water stress. Further abstraction from current licences or the development of new sources could have a local impact on the environment and exacerbate current low flow issues. We therefore strongly encourage the efficient use of all water to minimise the need for further abstraction, especially with the unknown influences of climate change. Water efficiency measures incorporated into this scheme would assist in conserving natural water resources and offer some contingency during times of water shortage. Please note the following condition has been supported in principle by The Planning Inspectorate (North Dorset District Council Public Inquiry, APP/N1215/1191202 & APP/N1215/1191206, decisions dated 12 February 2007):- The Government has recently stated that a minimum standard of water efficiency of 125 l/p/d is to be introduced through revised Building Regulations in 2008. We would strongly encourage the developer to go beyond this minimum standard and to adopt the Code for Sustainable Homes Level 3/4 target of 105 l/p/d. This code gives guidance on how this could be achieved and includes fitting devices such as 6/4 dual flush toilets, flow reducing/aeration taps, 6-9 litre/minute shower, smaller shaped bath, 18 litre maximum volume dishwasher and 60 litre maximum volume washing machine. It would also include the collection of rainwater for garden use. The applicant/developer must be aware that it is their responsibility to ensure that the development does not adversely affect any existing legal water interests in the area. In addition, local water interests in the area such as wells and springs must not be adversely affected;

(6) It is recommended to the applicant that a penn stock or similar arrangement is placed at the outlet of the surface water lagoon, or a smaller pond is located between the development and the lagoon, which could be isolated. This would ensure that should a spillage occur on the site it can be contained and prevented from entering the watercourse, and thus prevent pollution of controlled waters. The surface water lagoon must be maintained in order to prevent excess sediments from entering the watercourse. There should be a point of contact responsible for the maintenance of the lagoon;

(7) Applicant was advised that during construction vehicles should not cross or work directly in a watercourse. Pumps for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. Discharge of silty or discoloured water should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if any discharge to a watercourse is proposed or notified immediately of any incident likely to cause pollution. Storage of any fuels should be sited well away from watercourses. The tanks should be bunded or surrounded by oil absorbent material to

control spillage and leakage. Any waste generated or brought onto site must be handled as per the Waste Management Licensing Regulations 1994; (8) It is recommended to the applicant to investigate the use of Sustainable Drainage Systems (SuDS) for surface water drainage on site in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water and include a) interception and reuse, b) porous paving/surfaces, c) infiltration techniques, d) detention/attenuation, e) wetlands; (9) Applicant was advised that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the area are not adversely affected; (10) Applicant was advised that the footway shown to the north of the access on Figure 12 is illustrative and is subject to condition (bb) concerning the detail design.)

**Reasons for outline planning permission, if granted:-**

The proposed development site was considered to be in a sustainable location and the Transport Authority has not objected on highway safety grounds. The development provided housing to meet an identified need in Taunton given the current shortage of supply, the town's Growth Point status, the Regional Spatial Strategy targets and advice in Planning Policy Statement 3. It did not compromise the future Local Development Framework strategy and given the site had previously been considered suitable for housing by a Planning Inspector through a Public Local Inquiry, it was considered acceptable for development in principal, these issues, together with the necessary Section 106 provisions were considered to outweigh any objection on the basis of the site being outside the current development limits as currently identified in the Development Plan.

**135. Development not as approved plans together with unauthorised boundary fence at Eastwick Farm, Eastwick Road, Taunton**

Reference Minute No. 126/2009, reported that the Committee had previously authorised enforcement action to ensure the new development accorded with the approved plans.

However, this resolution had not made any reference to the unauthorised development which had occurred outside the application site which comprised the erection of a 1.8m high fence, the formation of a paved storage area, gravelling of an area of land, erection of light bollards/posts and the erection of a gate pier.

**Resolved** that in addition to the action authorised under Minute No. 126/2009:-

- (i) enforcement action be taken to remove the unauthorised fence, gate pier, paved storage area, gravel/chippings and light bollards/posts with appropriate reinstatement of the land at Eastwick Farm, Eastwick Road, Taunton: and

- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

(The meeting ended at 8.45 pm.)

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Brooks, McMahon and Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor Coles

05/09/0033

MR K H REED

**CONSTRUCTION OF NEW FRONT GARDEN WALL AS REPLACEMENT FOR EXISTING LEYLANDII HEDGE AT 86 GILLARDS, BISHOPS HULL**

320570.124523

Full Planning Permission

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**PROPOSAL**

Permission is sought for the erection of a wall to a height of 2m to the front of this semi detached dwelling. Materials to match dwelling.

The application is presented at Committee as the agent is related to a member of staff.

**SITE DESCRIPTION AND HISTORY**

This is the site of a semi detached dwelling of brick and tile construction and brown uPVC windows. There is a detached garage and parking with access to the rear of the site. The site is enclosed with a mix of wooden fence and brick wall to the rear, and low brick wall to front and tall hedge to the side.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations to make  
*BISHOPS HULL PARISH COUNCIL* - none received

**Representations**

none received

**PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,

**DETERMINING ISSUES AND CONSIDERATIONS**

The house fronts onto a pedestrian footpath with amenity land on each side at intervals. There is a tall wall to the side and another tall wall across the amenity ground enclosing neighbouring sites. The wall will run from the house to the footpath then a short distance along the footpath and back, bordering an amenity area, towards the dividing garden fence .

Although a solid brick wall will have a much 'harder' appearance than the existing 2 metre high hedge, it is not considered to result in such harm as to warrant a refusal.

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval



The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

**RECOMMENDED CONDITION(S) (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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mrs P Hogg Tel: 01823 356371**

10/09/0023

MR R GREED

**ERECTION OF CARPORT AND LOG STORE AT THE POUND, TRENTS FARM,  
ROYSTON ROAD, CHURCHINFORD**

321472.112591

Full Planning Permission

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**PROPOSAL**

The proposal comprises the erection of a detached three bay carport, one bay will be enclosed by doors and used as a store. A small log store is proposed to the rear of the store. The carport will be constructed in timber on a stone plinth and finished with a slate roof.

**SITE DESCRIPTION AND HISTORY**

The proposed garage will be sited in front of the existing dwelling, a former barn that was granted consent to residential. There are other barn conversions and outbuildings within the vicinity.

Churchinford is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

The barn was granted permission to be converted to residential use in 2003. Later applications (allowed on appeal) allowed the existing garage to be extended to the main dwelling and to be converted to part of the dwelling.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

*CHURCHSTANTON PARISH COUNCIL* - Proposal will not impact in anyway on the design and relationship with the main dwelling or impinge on the AONB.

*BLACKDOWN HILLS AONB SERVICE* - No observations.

**Representations**

FIVE LETTERS OF SUPPORT: - will enhance appearance of property, as design and materials are sympathetic to surrounding former agricultural buildings; fits in well with existing building; no different to application at Trents View; will not impair view of original barn from driveway; planning precedent established on Trents Farm from other similar buildings which have received approval.

**PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,

**DETERMINING ISSUES AND CONSIDERATIONS**

The proposed carport is sited to the front of the dwelling that formed part of the original barn that was converted, not in front of the later extensions. The carport is also proposed to be sited only 2m front the front of the dwelling.

The large three bay carport, with a ridge height of 4.7m, is considered to harm the setting of the former barn conversion at this point. The close proximity of the carport, in a prominent position, would alter the appearance of this elevation and the linear appearance of the dwelling. The proposal is therefore considered to have a detrimental impact on the character and appearance of the former barn.

Other buildings allowed would have been assessed on their own merits and any impact the proposals would have had on the former barns.

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

The proposed carport is sited in a prominent position forward of the dwelling and within 2m of the front wall of the dwelling that forms part of the original barn. In this position the carport is considered to adversely affect the linear appearance of the dwelling, altering the appearance of the front elevation and harming the setting of the former barn. Therefore having a detrimental impact on the character and appearance of the dwelling. The proposal is contrary to policies S1, S2, and H17 of the Taunton Deane Local Plan.

**RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**

26/09/0010

MR LING

**ERECTION OF 7 NO AFFORDABLE DWELLINGS ON AGRICULTURAL LAND  
OPPOSITE VILLAGE HALL, NYNEHEAD (REVISION OF 26/08/0010)**

314515.123011

Outline Planning Permission

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**PROPOSAL**

The application is in outline. The proposal provides for 7 affordable dwellings - 2 one-bed flats, a terrace of 4 two-bed houses and 1 detached three-bed house. Visibility splays of 45 metres in each direction are proposed at the point of access. The applicants did request a new Housing Needs Survey to be carried out by the Community Council, but the Parish Council did not agree to this. Surface water drainage is to be taken to an irrigation lake a few hundred metres from the proposed development. Foul drainage will be connected into the existing Wessex Water system. It is proposed that street lighting would be provided to SCC standards.

The application was accompanied by an Ecological Assessment.

**SITE DESCRIPTION AND HISTORY**

A previous proposal for 20 dwellings was refused by the Planning Committee in February 2009 and a subsequent appeal dismissed. A copy of the appeal decision is attached to this Report. The Inspector considered that the main issue was whether there is an identified local need for the housing which is sufficient to warrant this new development in the countryside, given the general policies of restraint which apply here and the level of services and facilities that would be available to the dwellings' occupants. He noted that Nynehead is a small rural settlement with little by way of facilities to meet peoples' day to day needs. He had no doubt that the residents of the village depend largely on cars for travel to work and shops. He considered it unlikely that the increase in population would be sufficient to make a village shop viable or to warrant a significant improvement in the frequency of the bus service. As the occupants of the dwellings would be heavily reliant on the use of cars, he considered that the development would be unsustainable and contrary to national and local policy. He went on to note that as the site was in open countryside, there was a general presumption against new development, other than in particular circumstances, eg where there is a proven local need for affordable housing, in accordance with policy H11. In coming to the conclusion that the proposal failed to satisfy the requirements of policy H11, he took into account that evidence of local need was limited to information obtained from the council's housing waiting list, rather than from an up to date survey of housing needs. He considered that there was not an identified local need for the housing which was sufficient to warrant the development in open countryside, given the general policies of restraint which apply here and the level of services and facilities that would be available to the dwellings' occupants.

The site consists of part of a slightly undulating area of agricultural land with a boundary hedge fronting the road. The site is slightly above the level of the highway

carriageway.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - These comments are generally in line with those provided for the previous application, but reiterated for consideration as part of this latest proposal.

The site lies outside any recognised development limits, where it is remote from services and facilities, and is considered unsustainable in terms of transport policy. The proposal is contrary to the aims of PPG13 and RPG10 and is contrary to Policies STR1 and STR6 of the Structure Plan.

I believe that the housing is proposed as affordable to meet an established local need. As such it must be a matter for the Local Planning Authority to determine if there is an overriding need that would outweigh the sustainability concerns raised.

If there is no overriding need established, the Highway Authority would recommend that this application be refused on sustainability grounds.

The following observations are made without prejudice to the sustainability issue, and deal only with technical detail of the proposal.

The highway approaches to the site are generally narrow, poorly aligned, and have sub-standard junctions. There is a single recorded Personal Injury Accident in the location of the site within the last five years, involving a collision between a taxi and an agricultural vehicle. Whilst this is a consideration in determining this application, it may be possible for the developer to offer improvements to the highway, given the length of the site frontage, to assist in avoiding the re-occurrence of such an incident in the future.

The proposed 7 dwellings will lead to an increase in traffic movements through the settlement; however I do not feel that there is a problem with capacity on the highway network, and vehicle movements will be split between the three main exits from the village.

The development suggests improvements locally to the highway in terms of visibility from the proposed access, and improvements to the alignment of the junction north of the site, close to Roundoak Gardens. This will be of benefit to all road users, although as with the last application, the Highway Authority recommends that forward visibility is also provided through the bend on the site frontage, which is not shown at this time.

The site is accessed from the classified carriageway that runs through Nynehead. Whilst there is no restriction on the speed of traffic through the settlement, vehicle speeds are contained by the nature of the carriageway. It is my observation that this speed is in the region of 30mph as it passes the site, and as such the appropriate guidance for the design of the access should be taken from Manual for Streets.

The proposed estate road, turning facilities and parking provision would appear to be generally acceptable, however the scheme would appear contrived to fit, and the Planning Authority may take a view on the scheme as proposed.

Despite comments on the previous application regarding the appropriateness of formal footways in isolation, it is noted that they remain in this scheme. This facility will need to be given careful consideration as part of the safety and technical audit process should consent be granted.

Given all of the above, if there is a need for the development that outweighs the Highway Authority recommend of refusal on sustainability grounds, then the following conditions should be attached to any consent:

- The proposed estate roads, footways, footpaths, tactile paving, , verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- Insufficient The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.
- Before works commence on the development hereby permitted, details the off-site highway improvements (including provision of forward visibility through the bend opposite the village hall and improvements to the junction north of the site) shall have been submitted to and approved in writing by the Local Planning Authority. These works shall be completed in full to the satisfaction of the Local Planning Authority, in accordance with a specification that will have been agreed before the development is first occupied.

*NYNEHEAD PARISH COUNCIL* - The provision of a small amount of housing to meet local needs would be in the interests of the village as a whole.

*DIVERSIONS ORDER OFFICER* - no observations to make.

*DRAINAGE ENGINEER* - Note that disposal of surface water run-off is proposed to connect to an existing lake. Details of a SUDs proposal for discharge shall be agreed together with details of its long term maintenance agreement before any approval is given.

*HOUSING ENABLING MANAGER* - Supports this application on the basis of need

shown on the Homefinder Somerset Scheme. There is no current housing need survey information available to refer to. Cannot comment on any planning issues.

**WESSEX WATER** - The development is located within a foul sewered area. Points of connection for this and water supply can be agreed at detailed design stage. There may be uncharted sewers or water mains within or very near to the site.

**NATURE CONSERVATION & RESERVES OFFICERS** - The site consists of part of an improved agricultural field with a roadside hedge on a bank. The hedge is not continuous, has been significantly restricted by flail cutting and has a large gap in its centre. The site is surrounded by intensive farmland with no significant stands of woodland within 1 km of the site. There are no mature trees on the site. The survey concluded that the hedgerow and bramble offer some potential nest sites for birds but that the hedge is unsuitable for dormice and is unlikely to be productive for foraging bats. There are no signs of badger activity on the site. Consideration should be given to installing bird nesting and bat roosting boxes around the site. Any hedgerow removal should take place outside the nesting season. The hedgerow should be surveyed for protected species prior to removal. Recommends conditions re timing of clearance works and further survey if delay to start. Advisory notes re nesting birds and badgers.

**LEISURE DEVELOPMENT MANAGER** - In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings. A contribution of £1,023 for each dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £1,785 for each 2 bed+ dwelling should be made towards children's play provision. The contributions should be index linked.

**HERITAGE AND LANDSCAPE OFFICER** - The site is in open countryside and not well related to the village and in my opinion contrary to Policy EN12. The visibility splay requirements are likely to require considerable hedgerow to be removed, which would have considerable landscape impact, EN12, and contrary to Policy EN6.

**STRATEGY TEAM** - I write further to the recent application referred to above. The proposal involves the development of an unallocated site beyond the defined limits of the village of Nynehead. Outside of established settlement limits strict control is usually applied to planning proposals unless the scheme satisfies one of the exceptions specified by the Local Plan. The proposal for a solely affordable housing scheme should principally be considered against the Local Plan exceptions policy: H11.

Notwithstanding the issue of compliance with policy H11, the proposal also needs to be considered within the framework of wider planning policy both at a national and local level. As the recent appeal decision relating to this site states, residents of the village *'depend largely on cars for travel to work and to shops.'* As part of the appeal, the Inspector considered whether or not the size of the original scheme (for 20 not 7 units) which would substantially increase the population of the village would thereby result in a local shop being viable or improvements to public transport being made. His view was that this was *'unlikely'* and therefore: *'Occupants of these dwellings would be heavily reliant on the use of cars and, in these terms, the development would be unsustainable and contrary to national (PPS1) policy. It would also conflict with Policy S1 of the (2004) Taunton Deane Local Plan.'*

Given that the proposal is now for 7 dwellings, the County Council has resolved to close the school and there are limited facilities within the village, the proposal would run contrary to both national and local policy in the form of Policy S1 of the Local Plan which sets overarching principles for sustainable development within Taunton

Deane. Criterion B of Policy S1 states:

*The accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to travel*

Turning to compliance with Policy H11, in the absence of a local housing needs survey being undertaken, there is insufficient evidence to support the need for the proposal. As such the proposal does not fulfill the provisions of the policy. At the recent appeal, the Inspector acknowledged that whilst there is an 'urgent need' for affordable housing in the Borough, for the purposes of the appeal: 'evidence of local need is limited to information obtained from the council's housing waiting list, rather than from an up to date survey of housing needs.' The Inspector went on to conclude that the proposals fail to satisfy the requirements of Policy H11.

## **Representations**

### **26 LETTERS OF OBJECTION**

1. Vehicular access and highway safety through The Hollow and centre of village, parking and blind spots;
2. No amenities, school, shop and no effective public transport;
3. Layout plan makes additional staged development on this site a real possibility.
4. Various references to Appeal Decision on previous application for 20 dwellings and consider that that decision sets a relevant precedent for determining the current application, which is sufficiently similar in detail to the preceding application to apply in this case also:-
  - a. Occupants of the dwellings would be heavily reliant on the use of cars and the development would therefore be unsustainable;
  - b. General presumption against new development in open countryside other than in particular circumstances, eg where there is a proven need for affordable housing;
  - c. Proposals fail to satisfy the requirements of PPS1, Structure Plan policies STR1 and STR6 and Local Plan policies S1 and H11;
  - d. Revision to PPS3 states that low cost market housing is no longer eligible for inclusion in the development of rural exception sites;
  - e. Conclusion that there is not an identified local need for the housing which is sufficient to warrant this new development in the open countryside, given the general policies of restraint which apply here and the level of services and facilities that would be available to the dwellings' occupants.
5. Volume of traffic.
6. Applicant accepts in his submission that the route through The Hollow can be a potentially dangerous route;
7. Applicant acknowledges that even if there is regular public transport available it will not necessarily stop residents using their cars;
8. The proposed development would be situated on the highest point of the village above the adjacent road and consequently stand out on the skyline, including any street lighting;
9. Whilst the Parish Council support the application, a letter of complaint has been submitted to the Standards Committee for their investigation, so until that matter is resolved the Planning Committee should disregard the letter of support from the Parish Council;



10. Neither the applicant, his agent or any persons on the alleged waiting list felt sufficiently motivated to attend the Parish Council meeting;
11. The parish of Nynehead is not a typical village, being a cluster of hamlets covering an area of 2 sq miles. The Community Council acknowledge that Nynehead is not a typical village, more a collection of spread out hamlets – they are of the view that no further attempt would be made to seek a survey on the need for social housing;
12. If it is proven that social housing is needed, other more appropriate sites should be considered, eg near the school;
13. Objectors are not nimbys but members of a rural community who value and wish to protect its rural character and its carbon footprint;
14. Recent proposals for single dwellings in the parish have been refused on sustainability / use of car grounds;
15. Ideas submitted by applicant that such a development would encourage the opening of a shop and provision of improved public transport (currently only one bus a week) are both naïve in the extreme and fanciful;
16. Access to schools in either Wellington or Oake would be through lanes which have been classified by the County Council itself as being dangerous;
17. The visibility splay would seem to be an obligatory urban embellishment, which is assumed to put to rights all pre-existing problems;
18. Lanes through the village are treated as rat runs by commuters, users of Oake golf course and private and commercial vehicles accessing the waste disposal facilities and industrial premises at Poole;
19. Maintenance and repair of the lanes and their drainage system has declined markedly in recent years;
20. Frequent flooding on the roads leading to the site;
21. If plan goes through, will be another example of the greed of a small minority blighting the lives of the majority;
22. Precedent for all manner of inappropriate development in and around the village;
23. The site is best and most versatile agricultural land outside the village limits;
24. There are no existing houses adjacent, despite what is said in the applicant's submission;
25. With regard to the housing need – there are only people who have a 'desire' to live in the village;
26. Adequate social housing already exists in Nynehead;
27. The significant increase in traffic goes against Government policy in reducing the country's carbon footprint;
28. Construction of visibility splays would result in the huge destruction of important hedgerows and trees that are currently teeming with wildlife;
29. Query why the village needs another play area;
30. Re street lighting – would prefer that the village remains in darkness at night and therefore does not contribute to the orange glow that blights our country at night;
31. It has not been satisfactorily demonstrated that there is a need for the proposed dwellings;
32. Query the Parish Council resolution that 'provision of a small amount of housing to meet local needs would be in the interests of the village as a whole'. Why, when there was such overwhelming objection at the meeting, has the Council recommended approval? The Parish Council's decision should be ignored or at least reviewed;
33. Re housing need, no information has been forthcoming as to whether those in need are the same as those who appear in neighbouring parishes. Previous

cases have shown an average take up level of 30% by the people on the waiting list actively. Converting this number in this case equates to a potential figure of converted demand being two;

34. Previous proposal was opposed by the Parish Council;
35. Dramatic increase in the number of large agricultural vehicles now using the narrow lanes;
36. The wildlife survey submitted with the application is inaccurate, flawed and of no significant value;
37. Would result in the loss of two trees on road frontage in order to provide the required visibility splay;
38. Query Leisure Development Team's requirement for provision for play and active recreation when such provision has been deleted from the current proposal and previous indication that recreation facilities within the village were adequate;
39. There is no existing irrigation lake locally for surface water drainage, as stated in the submission;
40. Affordable housing need could be catered for at the Cades Farm development and other sites adjacent to Wellington;
41. There is very limited employment within the village;
42. The proposed site has drainage problems after heavy rain;
43. The Village Plan showed no need for affordable housing from village residents;
44. The number of dwellings proposed is far too high and would represent a 10% increase on housing in this area;
45. Increase in traffic would be a danger to walkers and cyclists as well as car users;
46. Properties available for rent in Wellington which are standing empty;
47. Exit onto fast stretch of road with no speed limit, which tempts drivers to accelerate after frustrating narrow lanes;
48. The social balance in this section of the village would be artificially affected;
49. Representatives of the Council's Housing Department told an earlier meeting of the Parish Council that there could be no affordable housing development without a housing needs survey. The fact that the Parish Council decided against undertaking such a survey is unfortunate. However that does not alter the fact that without a housing needs survey the present application is premature and lacks proven housing need;
50. If viewed favourably, there should be conditions to allow for the proper regulation of construction traffic in then immediate locality and provision of a footpath around The Hollow to allow for safe pedestrian access;
51. There is no gas supply in the area, which would be the most economical energy supply for affordable housing;
52. Proposal appears to encourage the use of the car;
53. More nutrients will be washed away from the land, reducing the fertility of the land and the crop output and so the economics of the village;
54. Less need for the housing now compared to when the previous scheme was being considered as the final decision has now been taken to close the school;
55. When two Council dwellings in Higher Nynehead recently became vacant, the new residents chosen were not villagers;
56. Relative to its small rural population, Nynehead has already seen over recent years a substantial number of new houses through infill development and the conversion of numerous farm buildings into dwellings;
57. After passing through the narrow enclosure of The Hollow, the opening up to

- distant vistas forms an important part of the rural character of the area;
58. Proposal is an entirely unwarranted intrusion into the countryside;
  59. Additional traffic from the proposed development will create a greater risk of an accident at the Nynehead / Poole junction.

## TWO LETTERS OF SUPPORT

1. With nearly all the council houses sold, there no housing in the main body of the village available to the younger families;
2. People growing up in the village all have to leave due to the lack of housing – school is closing due to this reason;
3. Many of the village events are organised by an aging population – without young blood, the village will be in danger of becoming a second holiday home or retirement village;
4. The young should not be forced to live in the town;
5. The reduction from 20 houses to 7 is appropriate and now renders the development a reasonable size for the village;
6. A housing needs survey certainly would have helped to clarify the situation and should have been pursued when recently offered. This should now be done as a matter of urgency. It should be used to inform the final decision.

## PLANNING POLICIES

PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,  
PPS7 - Sustainable Development in Rural Areas,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP33 - S&ENP - Provision for Housing,  
S&ENPP35 - S&ENP - Affordable Housing,  
S&ENPP48 - S&ENP - Access and Parking,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
H11 - TDBCLP - Rural Local Needs Housing,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
M4 - TDBCLP - Residential Parking Provision,  
EN12 - TDBCLP - Landscape Character Areas,

## DETERMINING ISSUES AND CONSIDERATIONS

The site is located in open countryside, outside the designated settlement limits of Nynehead, and is therefore subject to the full weight of restrictive policy regarding development in the countryside. The Authority's Structure (STR6, 5) and Local Plan Policies (H11) allow as an exception for the development of affordable local needs housing sites, where there is clear evidence of local need and providing the site is within the village, or adjoining if no suitable internal site is available. .

Policy H11 is paramount in the assessment of the application and requires an exceptions site to accord with the following criteria:

'As exceptions to H2, small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing

would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centres, provided that:

- (A) There is a local need for affordable housing, defined as the presence of households in need of affordable housing in the following categories:
- 1) Households living or including someone working in the parish or adjoining parishes currently in overcrowded or otherwise unacceptable accommodation.
  - 2) Newly formed households living or including someone employed in the parish or adjoining parishes;
  - 3) Households including dependants of the households living in the parish or adjoining parishes; or
  - 4) Households including a retired or disabled member who has lived or worked in the parish or adjoining parishes for a total of five or more years;
- (B) The site proposed is the best available in planning terms and would not harm the character and landscape setting of the settlement more than is justified by the housing need to be met;
- (C) Satisfactory arrangements are made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of need as defined in criterion (A), or other genuine housing need only where this is necessary to secure full occupation of the scheme;
- (D) The proposal does not incorporate high value housing to offset a lower return on the affordable housing; and
- (E) The layout and design of the scheme conforms with policy H2.

These criteria were also considered with the previous application, which was refused and the subsequent appeal dismissed. The main difference between that previous application and the current one is the reduction in the number of dwellings from 20 to 7. Whilst the support of the Housing Enabling Officer again is noted and the provision of 'affordable housing' is a Corporate priority, provision of exception housing must accord with the tests set out in Policy H11. This requires evidence of local need. The Inspector who considered the Appeal into the refusal of the previous application noted that the justification for that proposal was limited to information obtained from the Council's housing waiting list, rather than from an up to date survey of housing needs. It is considered that in order to demonstrate accurately the local housing need reflecting the requirements of the policy, a survey should be carried out by a body such as the Community Council, in conjunction with the Parish Council. Policy H11 does not allow indiscriminate development of dwellings in the open countryside. The site and the proposed positioning of the dwellings does not relate particularly well to the existing housing development pattern and furthermore leaves a gap and sets a precedent for further future potential development. The policy criteria of H11 also refers to proposals as being 'small'. Although the reduction from 20 to 7 brings the proposal more into line with the policy in this respect, 7 dwellings in relation to Higher Nynehead may still not be considered to be small and still disproportionate to the size of the village.

The applicant is indicating that, whilst accepting that there is a minimal bus service, he understands that if the demand increases significantly, the bus company will increase the service. Again, there are no local shops, but it is hoped that an increase in demand will encourage the opening of a local shop. However the Inspector who considered the Appeal against the previous application for 20 dwellings considered that it was unlikely that the increase in population would be sufficient to make a village shop viable or to warrant a significant improvement in the frequency of the bus service. Since the refusal of the previous planning application,

the County Council has made its final decision with regard to the closure of the village school. This leaves the village hall as the only facility which justifies its status as a village. The previous Inspector considered the limited level of services and facilities in the village and that that proposal would be unsustainable, with residents being heavily reliant on the use of cars for travel to work, shops and services. The same would be true of the current proposal.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

## **RECOMMENDED CONDITION(S) (if applicable)**

1. The proposed development fails to accord with the provisions of Local Plan Policy H11 considered to be small scale as required by the Policy, in particular with regard to the size of the existing village. Insufficient information has been provided to demonstrate that there is a proven local affordable housing need of the scale proposed. Furthermore there is insufficient evidence to indicate that satisfactory arrangements are to be made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of local need. As such the proposal would be contrary to the provisions of Taunton Deane Local Plan Policy H11 and guidance contained in Planning Policy Statement 3.
2. The site lies beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to PPS7, STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and S7 of the Taunton Deane Local Plan.
3. The site is located outside the confines of any major settlement in an area that has very limited public transport and other services. The development, if approved, will increase the reliance on the private motorcar and foster a growth in the need to travel, contrary to advice given in PPG13, RPG10, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr J Hamer Tel: 01823 356461**



30/09/0029

MR & MRS D MEIKLE

**ERECTION OF TWO STOREY EXTENSION AT LOWER WOODMANS, 4 CURDLEIGH LANE, BLAGDON HILL**

321306.118125

Full Planning Permission

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**PROPOSAL**

The proposal comprises the erection of two storey extensions to the side and rear. The extensions will be finished in render with concrete tiles to match the existing dwelling.

The application is presented at committee as the applicant is related to a councillor.

**SITE DESCRIPTION AND HISTORY**

The dwelling is located within the village of Blagdon Hill. The property has a long rear garden that backs onto open fields. There are neighbouring properties to either side of the dwelling. Existing access/parking/turning to the front of the dwelling will be unaffected by the proposal.

Planning history

30/96/0028 – Erection of two storey & single storey extensions, porch and double garage at Cromdale, 4 Curdleigh Lane, Blagdon Hill. Granted conditional approval on 6 December 1996.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations  
*PITMINSTER PARISH COUNCIL* - Supports Application.

**Representations**

None received

**PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,

**DETERMINING ISSUES AND CONSIDERATIONS**

The extension is subservient and its design and materials reflect the character and

appearance of the existing dwelling. The rear extension will mirror an existing extension on the opposite end of the dwelling, 'balancing' the property.

The two bedroom windows proposed in the side elevation will replace an existing bedroom window, as such, there is not considered to be any undue overlooking or loss of privacy from the extensions.

### **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

### **RECOMMENDED CONDITION(S) (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. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**



32/09/0004

MRS K HILL

**ERECTION OF STOCKYARD, ERECTION OF BUILDING FOR DAIRY CATTLE HOUSING ON PREVIOUS SITE OF DEMOLISHED PIG FATTENING BUILDING AT SAMPFORD FARM, SAMPFORD ARUNDEL**

310935.118851

Full Planning Permission

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**PROPOSAL**

The application seeks planning permission for the erection of a covered stock yard at Sampford Farm. The building will be constructed using a steel portal frame with a combination of concrete wall and vertical Yorkshire timber boarding together with green box profile metal roof sheets that incorporate 24 rooflights. The building will measure 5.5 metres to the ridge line and 36.6 metres x 16.4 metres in floor area. The building will abut the adjoining livestock building to the north. The works involve the demolition of a number of old pig fattening buildings to the south, for which work has already taken place on site.

The application is to be determined by Taunton Deane Borough Council Planning committee due to the relationship between the applicant Mrs Kathleen Hill and Councillor Christopher Hill.

**SITE DESCRIPTION AND HISTORY**

Sampford Farm comprises a large number of agricultural buildings, ranging from traditional stone barns to modern buildings. The vast majority of these are to the north of the development site; however immediately to the south of the site are a number of piggery buildings, which are set upon an elevated position, above the proposed development site. The site slopes upwards from north to south and the farm yard is set down within the slope. To the east, the site is bound by a line of pine trees which are an estimated fifty feet in height.

A similar proposal for a livestock building was granted planning permission by TDBC Planning Committee under reference 32/09/0001.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observation to make.

*SAMPFORD ARUNDEL PARISH COUNCIL* - None received to date

*HERITAGE AND LANDSCAPE OFFICER* - None received to date.

**Representations**

**PLANNING POLICIES**

EN27 - TDBCLP - Water Source Protection Areas,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues in determining the proposal are considered to be the impact of the extension upon visual and residential amenity. As with the previous approved scheme here, the proposal is taken to form part of an initiative being promoted by DEFRA which seeks to provide better conditions for the housing of animals and to improve general animal husbandry, although no reference is made to this within the application.

The development will be set upon the slope to the south of the existing agricultural livestock buildings, which will also aid in screening the building when viewed from the north. The proposal is of a design, appearance and scale that is in keeping with the existing complex and will therefore tie in with the existing complex. To the south the land rises upwards steeply and it is not thought that the proposed building will break the skyline or form an intrusive feature within the local landscape. As such, it is considered that the proposal will have no material impact upon the surrounding visual amenity.

Planning permission is required for the building as it will be used for the housing of livestock and is within 400 meters of residential properties. It is thought that the proposal will not result in any loss of light and will not affect privacy of adjoining properties. No objections have been received regarding the proposal to date. As such it is considered that the proposal will have no material impact upon the amenity of neighbouring residential properties.

Given the above points, it is considered that the proposal is acceptable and planning permission should be granted subject to their being no objection to the proposals by the end of the public consultation period.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to no adverse representations being received by 22nd December 2009.

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

## **RECOMMENDED CONDITION(S) (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. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

#### Notes for compliance

1. The applicant is advised that there must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.
2. The applicant should ensure that any manure/dung heaps within the site must be kept within an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off.
3. All waste should be disposed of in accordance with the Code of Good Agricultural Practice to ensure protection of nearby water courses. Available from the DEFRA website.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

45/09/0016

MISS PIGGYS

**SITING OF CATERING UNIT SELLING HOT/COLD SNACKS, DRINKS AND BREAKFAST AT LONDON FARM, WEST BAGBOROUGH (RETENTION OF WORKS ALREADY UNDERTAKEN)**

315915.133043

Retention of Building/Works etc.

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**PROPOSAL**

This application seeks full planning permission for the change of use of land to allow the stationing of a catering unit for the sale of hot and cold drinks and snacks. The unit is already in situ and sits against the southern wall of an agricultural building at London Farm, visible at the end of the access track.

**SITE DESCRIPTION AND HISTORY**

The site is situated in the open countryside a short distance from the A358 on the road to West Bagborough. The immediately surrounding land is relatively flat, so the unit and farm buildings are visible over the hedgerows lining the road and from the site access. Rising up beyond the site, to the north, the Quantock hills are clearly visible. A loosely surfaced track runs from the highway into the site and arrives at a manoeuvring/turning area. On exiting the site, visibility is limited, particularly to the east.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposed development site is located approximately 350m outside of the development limit of West Bagborough, in what is considered open countryside where new development is strictly controlled. Given the nature of proposal people will arrive by private vehicle, as there are no footways or street lighting in close proximity of the site, thus making it not a particularly safe route for pedestrian users and such fostering of growth in the need to travel would be contrary to government advice.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether there is suitable justification for the retention of the catering unit in this location that outweighs the transport policies that seek to reduce reliance on the private car.

I am aware that several supporters of this proposal, (some of which live some distance away from the proposed development, and would be reliant on their own private vehicles to visit the site), have made reference to an objection and refusal coming from the Highway Authority, despite the fact that no formal response had been made. Such comments from local people, could be further testament that there are existing problems at the West Bagborough junction from/onto the A358 as

well as others junctions along this County Route.

In detail, I have a number of concerns about additional traffic movements from/onto the A358, however, it is considered that given that this is one of the main routes into/from the village it is unlikely to result in a significant increase in traffic over and above what currently occurs at this junction to warrant a refusal on this basis.

It is essential that all new development proposals are served by a safe means of access from/onto the public highway. In detail, this development will derive access from/onto a classified unnumbered highway, which is subject to the national speed limit.

Visibility where the private access of London Farm, meets the public highway is currently restricted for vehicles emerging to see approaching traffic which is considered detrimental to highway safety. Whilst this stretch of highway is subject to the national speed limit, vehicles are observed to be travelling at approximately 40mph, therefore visibility splays based on co-ordinates of 2.4m x 120m (to the nearside carriageway edge either side of the access), would be appropriate for this development. Such splays could result in a considerable loss/lowering of the roadside boundary hedges and it is not clear (from the red/blue lines of the site plan), if the Applicant owns/controls the land to the north east to enable the required splays to be incorporated.

As previously stated, this stretch of highway is one of the main routes into/out of the village of West Bagborough, therefore it is essential that vehicles emerging from the access of London Farm, can do so safely.

In the event that the required splays cannot be provided, which are considered essential in the interests of highway safety, a recommendation of refusal will be forthcoming from the Highway Authority.

*WEST BAGBOROUGH PARISH COUNCIL* – Supports, subject to the agreement of TDBC Planning with regard to vehicular access and volume of traffic, and hygiene arrangements for waste disposal.

*ENVIRONMENTAL HEALTH - FOOD SAFETY* – No observations to make.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* – No observations to make.

*HERITAGE AND LANDSCAPE OFFICER* – Subject to no changes to the highway visibility splay as the proposal should have limited landscape impact.

*QUANTOCK HILLS AONB SERVICE* – Although the site is just outside the AONB, the Service is always interested to hear about applications that are close by. The AONB Service would like to enquire whether the signs for Miss Piggy's form part of the application. The AONB Service has spent considerable time working to improve the appearance of signage within and around the AONB. With this in mind, we would ask that due consideration be given to the size and appearance of the signs – in the context of their proximity to (an on a main route into) the AONB.

## **Representations**

A letter of SUPPORT has been received from the Ward Member, Cllr Watson. The

following points have been made: The food outlet has been awarded 5 stars by Environmental health and the fact that the applicant closed as soon as she was advised that she was not abiding by the rules suggests that she only wants to trade as a purely legitimate concern. In these times of recession and high unemployment she should be commended and supported. There are no planning issues that cannot be sorted out by attaching conditions if they are considered to be required.

THREE letters of SUPPORT have been received raising the following issues:

- The site is off the road
- It has easy access for wheelchair users
- Excellent food is served
- The applicant's desire to start a business in the current climate is admirable
- Bureaucracy is suffocating free enterprise
- If the concern is over the junction with the A358, the Highway Authority should be addressing that problem by redesigning the junction.
- There will be no implications on the A358 junction above that which already exists.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S7 - TDBCLP - Outside Settlement,

STR1 - Sustainable Development,

STR6 - Development Outside Towns, Rural Centres and Villages,

S&ENPP49 - S&ENP - Transport Requirements of New Development,

STR6 - Development Outside Towns, Rural Centres and Villages,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the consideration of this application relate to the principle of the development, highway safety and visual impact.

The site is in an isolated location in the open countryside, remote from any defined settlement. Planning policy strictly controls new development in such locations on the basis that any people using the site would be dependent on their own private cars. Indeed, as noted by the Highway Authority, the site is accessed from West Bagborough by an unlit highway with no footways. As such, it is almost certain that most, if not all, visitors will use their own transport to visit the site. Interestingly, the people supporting the application, at least two of which are customers of the site, live in Bishops Lydeard, Triscombe and Carhampton, near Minehead and will therefore be travelling some distance to the site. It seems, therefore, highly questionable whether the site is appropriately located to be sustainable in transport terms.

In addition, Planning Policy Statement 6 states that all such uses should be located in town or village centre locations. This is to ensure that they are easily accessible by the population that they seek to serve and to ensure that the vitality and viability of towns and villages is not eroded through the provision of services elsewhere. A sequential approach should be adopted whereby an applicant demonstrates how they have considered town and village centre sites in preference to edge of town and finally rural locations. No such evidence has been provided and for these and the reasons noted above, it is considered that the proposal is unacceptable in principle.

The second main issue relates to highway safety. Despite comments made in the representations, the Highway Authority does not have a concern relating to the access onto the A358. It is considered that the development would not result in a material increase in the volume of traffic using this junction. However, visibility from the site access is substandard due to the boundary hedge to the west and the alignment of the highway to the east. The national speed limit applies to this road and as such, the Highway Authority would require large visibility splays to be created. This would result in a significant loss of hedgerow and radically alter the character of this stretch of highway. This is considered to be visually inappropriate and adds weight to the consideration that the site is poorly located in general.

If no alteration is made to the access, then the proposal would be acceptable in visual impact terms, being set against the backdrop of agricultural buildings and generally screened from the public domain by high hedges. However, as noted above, this leaves an access which is substandard in highway safety terms.

The comments of the AONB service are noted. The signs do not form part of the current application. Further investigation will be required to ascertain which signs need advertisement consent and appropriate action will have to be taken to ensure that any unauthorised signage is removed.

For the above reasons, the proposal is considered to be unacceptable. It is, therefore, recommended that planning permission is refused.

## **RECOMMENDATIONS AND REASON(S)**

### **A. Recommended Decision: Refusal**

- 1 The proposed development is situated in the open countryside, disjointed from the population it is likely to serve. It is likely, therefore, that the development would result in additional journeys by private car, which is considered to be unsustainable development in transport terms, contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy S7 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 6.
- 2 No evidence has been submitted to demonstrate that the development could not be suitably located within an existing town or village. It, therefore, cannot be properly assessed whether the proposal would be detrimental to the vitality and viability of existing settlements, contrary to advice contained in Planning Policy Statement 6.
- 3 The proposed access does not provide adequate visibility from or of emerging vehicles. The access cannot be modified without serious detriment to the visual amenities of the area and the proposal is, therefore, considered to be detrimental to highway safety. It is, therefore, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

### **B. That the solicitor to the Council be authorised to issue an enforcement notice**

relating to the food outlet and any unauthorised signage and take prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with.

**RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**



49/09/0046

MR B STEVENS

**CONVERSION OF BARN TO SINGLE STOREY DWELLING AT MAUNDOWN COTTAGE, JEWS LANE, MAUNDOWN, WIVELISCOMBE**

306266.12887

Full Planning Permission

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**PROPOSAL**

Permission is sought for the conversion of a detached former agricultural building to a dwelling on land to the west of Maundown Cottage, Maundown. The proposed new dwelling would provide two bedrooms, with a family bathroom and an open plan kitchen/diner and lounge area. The application is supported by a design and access statement, together with a range of plans and photographs.

The works will require the eaves height of the original building to be raised by 300mm, which will result in a new ridge height of 4.434 metres. The works will also require some of the existing openings to be increased in size slightly in order to provide for a more acceptable level of natural internal light. Fenestration will be double glazed timber, with a new slate roof being provided for, whilst the external finish of the barn will be pebble dash render. The proposals also provide for 2 no. solar panels to the south east elevation, as well as new uPVC fascias.

**SITE DESCRIPTION AND HISTORY**

Historically the existing building has been used as a piggery and stable in association with Maundown Cottage. The building is constructed from block work walls which have recently been re-rendered. The building also has a new profile metal sheet roof with timber windows and doors.

The site is located approximately 3.5 km outside of Wiveliscombe two centre as stated within the submitted design and access statement. The building is set within a sloping site, which ascends uphill to the south. Access is derived from the main classified highway to the north along Jews Lane which is an unclassified highway and a no through road. Within the site there is an original detached garage that serves Maundown Cottage as well as a greenhouse.

A pre-application meeting took place with the applicants regarding the possibilities of converting the barn subject of this application to a range of uses including an independent dwelling, an annex serving Maundown Cottage and also a holiday let. Feedback clearly indicated that in such a remote location, and for a barn such as this, it is highly unlikely that the council would support an application for conversion and or change of use.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - "The proposed development is

outside of any development limit and is therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent (First 25 Service operates a 2 hourly service) with the bus stop being located at the Three Horse Shoes at Langley Marsh which is approximately 1500m from the site. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted policies: April 2000).

It is not clear what purpose the existing barn serves or if its use is one which is ancillary to Maundown Cottage. If the barn is used in connection with agriculture, will the agricultural use continue on the adjoining land and will a replacement building be required in order to continue to serve that agricultural use. The Planning Officer may wish to get this clarified if he feels it is relevant.

In any event, it is considered that the proposal will result in an increase in traffic over and above the existing use and what currently occurs in this location.

In detail access to the site from/onto Jews Lane, is an unclassified highway and a no through road, it is narrow and poorly aligned with limited passing places. In addition the junction where Jews Lane meets the main Maundown Road suffers from substandard visibility for vehicles emerging to see, approaching traffic, which is considered detrimental to highway safety.

There are no footways or street lighting between the site and Wiveliscombe which would make it a hazardous and impracticable route for pedestrian users."

*WIVELISCOMBE PARISH COUNCIL* - Support the proposal subject to it conforming to the adopted barn conversion policy.

*NATURE CONSERVATION & RESERVES OFFICERS* - This application does not require a wildlife survey given the nature and design of the building. Recommends attaching standard advisory note regarding wildlife and the law to any approval.

*DRAINAGE ENGINEER* - Foul drainage to link into septic tank. Percolation tests required as well as the Environment Agency's consent to discharge to an underground strata.

Environmental Health Officer - No objection, recommends attaching the standard contamination condition if minded to recommend approval.

### **Representations**

One letter from applicant in response to Highway Officer comments - cannot remember there having ever been an accident at the junction between Jews Lane and Maundown Road. Visibility is good. People can walk to Wiveliscombe along Jews Lane which has no cars.

Four letters of support, three from members of public and one from the son of the applicants raising the following planning related matters - the building is unobtrusive and sits well into the landscape. Genuine need for bungalows which are eco friendly and designed for the elderly and infirm. Would rather see a slate roof and pebble dashed walls and for it to be used by someone than for the barn to become derelict, and eyesore. Lack of suitable accommodation for the elderly in the area. Conversion would be in keeping with other local dwellings.

### **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
H7 - TDBCLP - Conversion of Rural Buildings,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
TRAN1 - RPG 10 TRAN 1 - Reducing the need to Travel,  
RPG10 - Regional Planning Guidance for the South West,  
PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,  
PPS7 - Sustainable Development in Rural Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

There are a number of pertinent issues that require consideration in determining the proposed development, with the first being whether the creation of a new dwelling here would result in an unsustainable form of development having regard to local, regional and national planning policy and secondly whether the proposed development would have any adverse impact upon the visual and residential amenity of the surrounding area. Assessment also needs to be undertaken with regards to conformity with the council's barn conversion policy.

The site is located outside of any defined settlement and is therefore considered to be located within open countryside in terms of planning policy. Within open countryside, it is the policy of the Local Planning Authority and that of central government to strictly control new development. With regard to proposals that form new independent residential units, planning policy statement 3 clearly states that housing should only be developed "in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure." Maundown and the proposed development site is located approximately 3.5km outside of the nearest recognised settlement providing such facilities and services - Wiveliscombe. Similarly planning policy statement 7 also strongly urges for sustainable developments within rural areas, and in particular that any new development should be closely associated to existing rural towns/centres, including proposals for residential conversions.

There have been a number of recent appeal dismissals relating to residential conversion schemes which have given significant weight to sustainability as a material consideration. Therefore I consider that for such proposals there is now an 'in principle' objection to applications for barn conversions where located in remote locations. The proposal is clearly located in an unsustainable location that if permitted, would give rise to increased numbers of journeys by private motor vehicles to and from the site by occupants of the new dwellings, be it now or in the future. As highlighted by the County Highways Officer, the site does not have any pedestrian links to Wiveliscombe nor would it be acceptable for any occupant to walk 3.5km to access essential services. Similarly, Maundown does not benefit from a regular bus service. My concerns are compounded by the contents of the design and access statement which states that all residents of Maundown rely on motor vehicles to access services 3.5 km away, implying that this is therefore acceptable in some way. I consider any additional vehicular trips to be detrimental to the environment and therefore the proposed conversion of the barn is considered unacceptable given the unsustainable nature of its location and contrary to

government advice within planning policy statement 1,3 and 7.

Having regard to the characteristics of the barn subject of this application, I am of the opinion that the building does not comply with the requirements of Local Plan policy H7 (Conversion of Rural Buildings) in that the building is constructed from block work walls which would appear to have been rendered very recently, along with the adjacent garage. The building does not contain any architectural or historic qualities and therefore the retention of the building cannot be justified as it fails to make a positive contribution to the landscape character and appearance. The submitted design and access statement contends that by applying pebble dashing and natural roofing slates to the building, the barn will make a positive contribution to the visual amenity. I disagree with this point in that such alterations would bring about a far more domesticated appearance to the building than existing or that of a traditional agricultural barn, to the detriment of the surrounding landscape character.

The proposed development also conflicts with local plan policy H7 in that the requirement for an application to demonstrate that the building and site has little or no prospect of generating any form of employment or alternative use has not been met. The application has not been supported with any information to suggest that a marketing process has been undertaken for the required twelve month period. However notwithstanding this, by virtue of the remote, unsustainable location of the building, with substandard access roads, it may be considered unreasonable to object to the proposed development on such grounds.

Considering the letters of support, I acknowledge the matter that the building is well screened from wider landscape views and is unobtrusive, and to an extent, the proposed works may improve its appearance above the current state. Nonetheless, as noted above the building is not a traditional one for which conversions are generally sought. Provision of new dwellings in remote locations, as stated above, is contrary to national, regional and local planning policy, even where they are to be provided for elderly or infirm people which may or may not be lacking in the surrounding area, including Wiveliscombe.

Given the above considerations, it is recommended that planning permission be refused.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The site is located within open countryside where Development Plan policy provides that development should be strictly controlled and only provided for where consistent with the policies and proposals set out in the Plan. The proposed conversion to a permanent and self contained residential dwelling remote from adequate services, employment, education and the like, would be likely to generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative means of travel. The development is therefore considered to be an unsustainable form of development contrary to Local Plan Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Taunton Deane Local Plan Policies S1 and S7 and Planning Policy Statements 1 and 7.

- 2 Having regard to the form, character and appearance of the building, which this application seeks to convert, it is considered not to constitute a traditional agricultural building in that the building does not contain any features of historic or architectural importance or interest. The merits associated with permitting the conversion of traditional agricultural buildings are therefore not considered applicable in this instance and the proposal would therefore not be in keeping with its surroundings, nor do they outweigh the provisions of sustainable development. Therefore it is considered that the proposal does not accord with Taunton Deane Local Plan Policy H7 (Conversion of Rural Buildings) or the provisions of Planning Policy Statement 7 (Sustainable Development in Rural Areas).

**RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

49/09/0056

MR J LAWREY

**ROOF ALTERATIONS TO AGRICULTURAL BUILDING TO PROVIDE PROTECTED SPECIES' (BATS) ACCOMMODATION IN CONNECTION WITH CONVERSION OF BARN TO DWELLING (THE GRANARY) AT FOOTLANDS FARM, FORD, WIVELISCOMBE**

308906.128756

Full Planning Permission

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**PROPOSAL**

The proposal comprises the replacement of an existing corrugated iron monopitch roof with a gabled roof. The new structure would be clad with rough sawn timber weather boarding, and roofed with profiled sheet. The intention is to provide accommodation for bats which would potentially be displaced when the adjacent farm buildings are converted to dwelling-houses.

The application is presented to Committee because the agent is related to a member of staff.

**SITE DESCRIPTION AND HISTORY**

The building is a relatively modern timber framed structure which is used as a tractor shed in connection with Footlands Farm, and although the farmhouse is a listed building, listed building consent is not required in this particular instance because of the age of the building.

Planning permission was granted for the conversion of each of the adjacent barns "The Granary" and "Riley's Byre" to dwellings, in December 2008, references 49/08/0059 and 49/08/0060 respectively.

Current planning application 49/09/0054, and listed building application 49/09/0055/LB, relating to amendments to the conversion of "The Granary", are pending.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

*WIVELISCOMBE PARISH COUNCIL* - Supports local industry

*CONSERVATION OFFICERS* -No observations.

*NATURE CONSERVATION & RESERVES OFFICERS* - In principle, subject to the views of Natural England and the applicant's consultant, I have no objections to the provision of a new bat roost over the existing tractor store instead of the proposed garage as approved in the previous application. However, the mitigation proposed with this application does not have the same level of detail as it does in the previous application. For example it is not clear from the drawings how the bats will access the roost. Will a loft hatch be provided to provide access for bat workers? There are no additional bat boxes proposed. Is the new roost adjacent to bat flight routes?

There is no provision for the enhancement of the site for breeding birds, in particular sparrows. An ecologist should have an input in the design of the new bat

roost. I suggest the following condition:

The development hereby permitted shall not be commenced until details of a strategy to protect bats has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the submitted drawings and advice provided in Acorn Ecology Ltd's submitted mitigation report, dated 31 January 2008 and include:

- Details of protective measures to include method statements to avoid impacts on bats and breeding birds during all stages of development;
- Details of the timing of works to avoid periods of work when the bats and breeding birds could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for bats and breeding birds.

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

Reason: To protect bats and breeding birds and their habitats from damage in accordance with PPS9.

### **Representations**

None received

### **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

EN4 - TDBCLP -Wildlife in Buildings to be Converted or Demolished,

EN3 - TDBCLP - Local Wildlife and Geological Interests,

### **DETERMINING ISSUES AND CONSIDERATIONS**

The introduction of a gabled roof with additional timber boarding to this modest building of no architectural significance, would enhance both its appearance and visual amenity. Furthermore the setting of the listed building would not be adversely affected, and the building would enable the provision of much needed accommodation for bats.

The proposal is considered acceptable.

### **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual amenity, and would provide accommodation for bats. Accordingly, the proposal is considered acceptable, would not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), and would comply with PPS-"Biodiversity and Geological Conservation".

## **RECOMMENDED CONDITION(S) (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 completed prior to work first commencing on the conversion of either Riley's Byre or the Granary to a dwelling.

Reason: Conversion of either of these two barns is likely to lead to the displacement of bats. The proposal hereby permitted will therefore provide accommodation for this protected species, bearing in mind that bats are protected by law and in accordance with PPS9.

3. The development hereby permitted shall not be commenced until details of a strategy to protect bats has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the submitted drawings and advice provided in Acorn Ecology Ltd's submitted mitigation report, dated 31 January 2008 and include:

- Details of protective measures to include method statements to avoid impacts on bats and breeding birds during all stages of development;
- Details of the timing of works to avoid periods of work when the bats and breeding birds could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for bats and breeding birds.

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

Reason: To protect bats and breeding birds and their habitats from damage in accordance with PPS9.

### Notes for compliance

1. The condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats and breeding birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the bats and breeding birds that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any



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

2. Bats are known to use the building(s) as identified in submitted reports. The species concerned are European Protected Species within the meaning of the Conservation (Natural Habitats &c) Regulations 1994 (as amended 2007). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with Regulation 44 (3) (b) of the above regulations. NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

Bat Boxes and Sparrow nest boxes are available from Alana Ecology Tel: 01588 630173 - [www.alanaecology.com](http://www.alanaecology.com).

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr J Grant Tel: 01823 356465**

# Planning Committee – 16 December 2009

## Report of the Growth and Development Manager

### Enforcement Item

#### Parish:

- |    |                                |  |
|----|--------------------------------|--|
| 1. | <b>File/Complaint Number</b>   | <b>E/0324/46/08</b>  |
| 2. | <b>Location of Site</b>        | Orchard Croft, Bussells Farm Lane, West Buckland, Wellington, TA21 9LJ   |
| 3. | <b>Names of Owners</b>         | Mr Hammond, Orchard Croft, Bussells Farm Lane, West Buckland, Wellington |
| 4. | <b>Name of Occupiers</b>       | Mr Hammond   |
| 5. | <b>Nature of Contravention</b> |  |

New wall and gates at Orchard Croft, Bussells Farm Lane, West Buckland.

#### 6. **Planning History**

The new wall and gates were first brought to the Council's attention in November 2008. A site visit was made in December 2008 and an application was requested.

A response was received by e-mail attaching photos of the old wall and gate. These were shown to the Senior Enforcement Officer and he was of the opinion that Planning Permission was required for the new boundary treatment.

In March 2009 a letter was sent to Mr Hammond chasing the application. A response by e-mail was received stating that advice had been taken and because the wall and gates were within Planning requirements there was no need to submit a Planning application. An e-mail was received in May 2009 from Davis Blackburn advising us that an application was to be submitted. The Planning application was submitted in June 2009 for the wall and was subsequently refused under delegated authority on 31st July 2009. Further investigations were carried out and it was found that the gates were on agricultural land and therefore a separate application was to be submitted to deal with these. The application for the gates was submitted in October 2009 and subsequently refused under delegated authority on 20 November 2009.

## **7. Reasons for Taking Enforcement Action**

The site is within the designated area of the Blackdown Hills Area of Outstanding Natural Beauty where it is the policy of the Local Planning Authority to safeguard the exceptional landscape and wildlife quality of the countryside through the strict control of development. In the opinion of the Local Planning Authority the proposal would constitute a visual intrusion which would be detrimental to both the street scene and wider visual amenities of the Area of Outstanding Natural Beauty, by virtue of the scale, height, massing, colour and materials, and would therefore be contrary to Taunton Deane Local Plan Policies SI (D), S2(A) and ENIO, Somerset and Exmoor National Park Joint Structure Review Plan Policy 3 and Planning Policy Statement 7 (Sustainable Development in Rural Areas).

The proposed wall and gates, if permitted, would result in a substandard level of visibility serving the adjoining agricultural access and would therefore be prejudicial to highway safety. Accordingly, the proposal is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

## **8. Recommendation**

The Solicitor to the Council, be authorised to issue an Enforcement Notice and take Prosecution Action subject to satisfactory evidence being obtained that the Notice has not been complied with.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER:**

**MRS A DUNFORD – TEL: 01823 356479**

## Appeal Decisions for Committee Agenda – 16 December 2009

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/H/09/2109577	Display of four illuminated fascia signs, one illuminated pylon sign and one illuminated directional sign, together with two entrance signs, one illuminated and one non illuminated, at Wellington Motors (Renault), Summerfield Way, Chelston Business Park, West Buckland, as amended by agent's email received 25 June 2009 and amended drwg no. Ren0766 planning	It is considered that the proposed advertisement (sign no. 7), by reason of its size, siting and illumination would be unduly prominent and obtrusive within the street scene and would therefore be likely to have a detrimental effect upon the amenity of the surrounding area.	46/09/0017A	The Inspector considered the addition of yet another sign at these premises would be particularly unfortunate and lead to an unusually cluttered frontage. The building is located in a highly prominent site and it is considered there are already sufficient signs to identify the premises. The Inspector could see no essential reason for a sign which would clutter the locality visually and be harmful to the character and appearance of the area. The appeal was DISMISSED.
APP/D3315/A/09/2111166/NWF	Erection of 20 no. affordable dwellings and provision of recreation field and playground area on land opposite the village hall, Nynehead (amended description) as amplified by e-mail dated 15 January 2009 and email dated 17 February 2009	The proposed development could not be considered to be small scale, especially with regard to the village size. The site lies beyond the recognized limits of a designated settlement in open countryside and does not constitute a genuine agricultural or other appropriate need. The village has an existing playing field and recreational facilities. The site is located outside the confines of any major settlement.	26/08/0010	The Inspector stressed that low cost market housing is not eligible for inclusion in the development of rural exception sites where residential development would not normally be permitted. It was concluded that there is not an identified local need for the housing which is sufficient to warrant this development in the countryside. The Inspector was not persuaded of sufficient need of new recreational facilities to warrant the erection of housing at this countryside location. The appeal was DISMISSED.
APP/D3315/C/09/2107743	Use of land for retention of two container units and provision of additional three container units for the storage of fire works at The Stores, Wrangcombe Road, Wrangway, Wellington	The proposed development would appear an incongruous industrial feature representing an undesirable intrusion into an area of countryside which has been designated an Area of Outstanding Natural Beauty and would adversely effect its special landscape qualities.	E0242/44/07	The Inspector considered the containers are in an elevated hillside location and are publicly visible. It was concluded that they are alien and intrusive features in this AONB. The appeal was DISMISSED and the enforcement notice upheld.

APP/D3315/F/09/2107490 & 2107491	Replacement of all external windows and doors with double glazing uPVC units.	The uPVC windows and doors had been installed without consent and should be removed in their entirety. Details of windows and doors to match the design of the existing were recommended.	E391/43/06	The appellants had put forward no substantive evidence in support of their view that the building is not of special architectural or historic interest. They were aware the building was listed at the time of purchase and that uPVC windows and doors had been installed by the previous owner without listed building consent. The Inspector DISMISSED the appeals and upheld the listed building enforcement notice.
APP/D3315/C/09/2108692	Change of use to operation of bus and minibus hire business at 154 Bridgwater Road, Bathpool, Taunton		E0394/48/06	The Inspector concluded that the development causes an unacceptable level of noise and disturbance to occupants of adjoining houses. Section 3 of the enforcement notice should be corrected and the plan attached to the enforcement notice substituted by the plan annexed to the decision. With these corrections the Inspector DISMISSED the appeal, upheld the enforcement notice and refused to grant planning permission.

**TDLP** = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park