

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 12 January 2011 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 15 December 2010 (attached)
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 06/10/0044 – Erection of photovoltaic solar panels and associated works at land at Sandhill Park, Bishops Lydeard
- 6 07/10/0028 – Change of use and conversion of agricultural barn to form business units at Heatherton Park Studions, Bradford on Tone
- 7 19/10/0013 – Erection of domestic care facility for use as ancillary accommodation to dwelling at Whitegates, Mill Lane, Hatch Beauchamp
- 8 25/10/0024 – Flood channel improvement works to Halsewater and Ford Farm ditch with associated works to drainage ditch adjacent to West Somerset Railway Embankment, replacement of bridge and culvert at Station Road and diversion of public footpath at land at Ford Farm, Norton Fitzwarren
- 9 38/10/0429 – Erection of ground floor extension to the rear/side at 14 Mountfields Road, Taunton
- 10 Planning Appeals - the latest appeals lodged (details attached)

Tonya Meers
Legal and Democratic Services Manager

03 February 2011

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



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

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: enquiries@tauntondeane.gov.uk

Planning Committee Members:-

Councillor P Watson
Councillor D Wedderkopp
Councillor M Floyd
Councillor B Denington
Councillor M Hill
Councillor D House
Councillor C Bishop
Councillor J Allgrove
Councillor C Hill
Councillor L James
Councillor T McMahon
Councillor S Coles
Councillor F Smith
Councillor A Wedderkopp
Councillor R Bowrah, BEM
Councillor E Gaines
Councillor I Morrell

Planning Committee – 15 December 2010

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Coles, Denington, Gaines,
Mrs Floyd, C Hill, House, Miss James, Morrell, Mrs Smith,
Stuart-Thorn, A Wedderkopp

Officers:- Mr B Kitching (Area Planning Manager),
Mr M Bale (West Area Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Moore (Major Applications Co-ordinator), Mrs J Jackson (Legal Services Manager), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Mrs Lewin-Harris in connection with application No 06/10/0045; Councillors Henley and Thorne in connection with application Nos 30/10/0031 and 30/10/0032; Councillor Mrs Herbert in connection with application No 38/10/0309; Councillor Cavill in connection with application No 48/09/0054; Councillor Hayward in connection with Agenda Item 13 and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

131. Apologies/Substitution

Apologies: Councillors Bowrah, McMahon, Watson and D Wedderkopp

Substitution: Councillor Stuart-Thorn for Councillor Watson

132. Minutes

The minutes of the meetings of the Planning Committee held on 17 November and 30 November were taken as read and were signed.

133. Declarations of Interest

Councillor Mrs Hill and Councillor Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Allgrove declared that she had received and replied to an e-mail in respect of application No 38/10/0309; Councillor Coles declared that he had received an e-mail in respect of application No 38/10/0309 but had not responded; Councillor Denington declared a personal interest in application No 38/10/0309 as Ward Councillor but did not consider that he had fettered his discretion.

134. 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:-

06/10/0045

Replacement of storage building and provision of office within at Lime Tree Farm, Bishops Lydeard

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) The applicant shall undertake all of the recommendations made in Greena Ecological Consultancy's Protected Species report dated August 2010 and provide mitigation for birds in accordance with the report. 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 the development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (d) The development shall be carried out in strict accordance with the approved Flood Risk Assessment (prepared by DG Engineering Consultancy and dated October 2010) and the following measures:- (i) Finished floor levels of the building shall be set no lower than 51.90m AOD; and (ii) Details of a "water exclusion strategy" in line with Section 10e shall be submitted to the Local Planning Authority;
- (e) The building hereby permitted shall be used for the storage of building materials and equipment and agricultural materials and equipment only and for no other purpose.

(Notes to applicant:- (1) Applicant was advised by the Nature Conservation Officer to note that the protection afforded to species under UK and EU legislation was irrespective of the planning system and it should be ensured that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; and (2) Applicant was advised that no retail sales from the site are permitted by this application).

Reason for granting planning permission:-

The proposed building would replace an existing building on the same site of the same footprint and to the same ridge height and, by virtue of the design and materials, was not considered to result in any harm to the appearance of the landscape or increased impact on the amenities of neighbouring properties. Whilst the site lies within Flood Zone 3, being a replacement building of the same footprint and location within the site, it was not considered to result in an increased risk of flooding beyond that of the current situation. As such, the proposal was in accordance with Policy 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan

Review and Policies S1 (General Requirements), S2 (Design) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

07/10/0027

Erection of building to provide ancillary office accommodation associated with current employment use at Trefusis Lodge, Tone Green, Bradford on Tone (retention of development already undertaken)

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans;
- (b) The building hereby permitted shall be used as ancillary office and administrative purposes only for businesses operating within the portal framed building labelled 'warehouse' on drawing P0837_3D_SX;
- (c) Prior to the construction of the raised timber walkway required by condition (d), the flood storage compensation scheme detailed on drawings 1051/2310a and 1051/2310b shall be fully completed in accordance with those details;
- (d) Unless within 3 months of the date of this decision the raised timber walkway indicated on drawings 1051/2310a and 654.D.001 has been constructed in complete accordance with those details, the use of the site hereby permitted shall cease until such time as a scheme is approved and implemented;
- (e) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the following requirements:- (i) Within 6 months of the date of this permission, details of a strategy to protect barn owls shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Greena Ecological Consultancy's submitted report dated 22 March 2010 and include details of protective measures to include method statements to avoid impacts on protected species during all stages of development; details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and 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 barn owls shall be permanently maintained; (ii) If within 11 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State; (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State; (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable;
- (f) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the following requirements:- (i)(a)

- Within three months of the date of this permission a landscaping scheme, which shall include details of the species, siting and numbers to be planted together with the proposed timing of the works, shall be submitted to, and approved in writing by, the Local Planning Authority; (b) The scheme shall be completely carried out in accordance with the approved timing; (c) 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; (ii) If within 11 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State; (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State; (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable;
- (g) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the following requirements:- (i) Within 12 months of the date of this permission the following works shall have been completed in accordance with a schedule of works that shall previously have been submitted to, and agreed in writing by, the Local Planning Authority:- application of 'Yorkshire' hit and miss timber boarding applied to the external walls of the main portal frame building; restoration and refurbishment of the remaining stone boundary wall and reduction of the northern access to accept pedestrian traffic only; permanent removal of the existing, redundant, dilapidated mobile home; and restoration and renewal of old roof to cob and block barn; (ii) If within 11 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State; (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State; (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable;
- (h) There shall be no direct on-site retail sales from the site;
- (i) Unless within 3 months of the date of this decision the following flood mitigation measures detailed in the submitted Flood Risk Assessment (prepared by Aardvark and dated July 2010) have been carried out:- Finished floor levels of the development shall be set no lower than 32.3m AOD (page 12 section 9.2); and the flood resilience measures detailed on page 13 section 9.3 have been implemented; the use of the site shall cease until such time as a scheme is implemented.

Reason for granting planning permission:-

The development to provide ancillary accommodation to the existing commercial and industrial uses on the site was considered to be an

appropriate development, whereby the provision of a new replacement building had provided the opportunity for an improvement to the visual amenities of the area and new benefits to wildlife. The development would be safe from flooding and would not be detrimental to the amenities of other nearby properties or the highway network. It complied with Policies S1 and S2 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 7.

37/10/0013

Erection of single storey extension and balcony over at Russett House, Stoke St Mary

Conditions

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

Reason for granting planning permission:-

The proposed development would not harm visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

38/10/0309

Demolition of dwelling and erection of three dwellings on site at 22 Gordons Close, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development, excluding site works, shall begin until a panel of the proposed stone and brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (d) Any drive and turning areas hereby permitted shall be constructed so as to be permeable and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development;
- (e) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings

are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (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) 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 additional window or dormer windows shall be installed in the northern or north-eastern elevations of the development hereby permitted without the further grant of planning permission;
- (h) 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 modification) the upper floor bathroom, shower room, ensuite windows to be installed in the northern and north-eastern elevations of the new dwellings shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (i) The dwellings shall not be occupied until the means of vehicular access has been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (j) No dwelling shall be occupied until space has been laid out within the site in accordance with the plan (0910/04D) submitted for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear;
- (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever;
- (l) 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. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;

- (m) 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;
- (n) 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 shall be hand dug and no roots larger than 20mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery;
- (o) The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds, reptiles, otters and water voles has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report, dated October 2010 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 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 nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented;
- (p) The development hereby permitted shall be carried out in full accordance with the submitted Flood Risk Assessment and the following details therein:- (i) Finished floor levels of the development shall be set no lower than 24.0m AOD; and (ii) Surface water run-off from the development shall be attenuated to existing rates using soakaways;
- (q) No development shall commence until a detailed Environmental Management Plan for the Blackbrook has been submitted to, and agreed in writing by, the Local Planning Authority. The approved Plan shall include the following details and measures:- (i) Details of construction works and pollution prevention measures during this phase of development; (ii) Details of riverside improvement for Otters and Bats upon completion of the development; and (iii) Maintenance and management of the riverside upon completion of the development.

(Notes to applicant:- (1) Applicant was advised to be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such, under Section 219 to 225 of the Highways Act 1980 will be subject to the Advance Payment Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway

Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code; (2) Applicant was advised that provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway; (3) Applicant was advised that, having regard to the powers of the Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit; (4) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and it should be ensured that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (5) Applicant was advised that the condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife and their habitat will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development process; (6) Applicant was advised that it has been claimed that the existing building may contain asbestos and professional advice should be taken in identifying and removing asbestos; (7) Applicant was advised 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 exact position on the design site layout to assess the implications should be plotted. 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; (8) Applicant was advised to agree with Wessex Water any connections onto its system; (9) Applicant was advised that the Blackbrook is a designated "main river" and, as such, the Environment Agency has maintenance powers which must be retained for 8m from the top of bank. From the submitted plans it would appear that all existing trees on site are to be retained and no additional tree planting, fences or other structures will be constructed within 8m of the Blackbrook. This being the case, the Environment Agency is satisfied that the development will not impede its maintenance access and protect biodiversity interests; (10) Applicant was advised that the Environment Agency advises:- (a) There must be no ground-raising within Flood Zone 3 during any phase of development because this is likely to displace flood flows at the site; and (b) Any works within 8m of the Blackbrook will require a separate Flood Defence Consent from the Environment Agency; (11) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a significant detrimental impact on the amenity of surrounding

residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision). The proposal was considered to be a positive contribution to the area, as the design was contemporary, yet mirrored the characteristics of the other properties in the area.

135. Demolition of two dwellings, office building and associated outbuildings and the erection of 12 dwellings, 4 apartments, 5 business units providing 500m² of accommodation and associated external works at Sellicks Green, Pitminster (30/10/0031)

Report this application.

Resolved that subject to:- (1) a viability assessment of the affordable housing provision; and (2) a Section 106 Agreement to secure affordable housing and leisure, recreation and community facilities, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development, excluding site works, 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;
- (d) No development, excluding site works, shall begin until a panel of the proposed stone and brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) The landscaping and planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the 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;
- (f) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected.

The agreed boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (g) Details of the proposed surface water drainage shall be submitted for approval before any works commence on site and shall include full details of the pond, the intended future ownership and maintenance provision for all drainage works serving the site, including the pond. Calculations should be provided to show the system, including the pond, can accommodate the surface water run-off from the 1 in 100 year storm plus climate change. Discharge to the receiving ditch shall be limited to greenfield run-off rates and as calculated from a 1 in 1 year storm using 10% impermeability. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- (h) 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 Greena Ecological Consultancy's submitted report dated November 2009 and the Bat activity surveys dated October 2010 and shall include:- (i) Details of protective measures to include method statements to avoid impacts on wildlife 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 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. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (i) No demolition work shall commence until the replacement bat roost provision agreed under Condition (h) have been provided. Once approved the bat roost works shall take place in accordance with the agreed scheme and thereafter the loft space and agreed openings shall be permanently maintained. The development shall not otherwise commence until the scheme for the provision of the bats' roost and related accesses has been fully implemented;
- (j) The light industrial units hereby approved shall be constructed and completed prior to the residential occupation of any of the dwellings approved;
- (k) Noise from any plant or equipment at the proposed business units shall not exceed background noise levels by more than 3 dB for a 2 minute LAeq at any time when measured at the facade of residential or other noise sensitive premises. 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;
- (l) No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 07.30-19.00hrs Monday to Friday and 07.00-13.00hrs on Saturdays nor at any time on Sundays, Bank or Public Holidays;

- (m) Details of any external lighting for the industrial units or to the garages or rear of residential properties shall be submitted to, and approved in writing by, the Local Planning Authority before the lighting is installed. Development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (n) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway during the construction period. In particular, but without prejudice to the foregoing, efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until construction on the site has ceased;
- (o) Before the dwellings hereby permitted are first occupied, details of the footway shown on drawing 9337.52J shall be submitted to, and approved in writing by, the Local Planning Authority. Such footway shall be fully constructed in accordance with the approved plan;
- (p) 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 and thereafter provided as agreed;
- (q) The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients and car parking 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;
- (r) 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;
- (s) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any living accommodation or business or other purpose whatsoever;
- (t) There shall be no obstruction to visibility greater than 300mm above the adjoining road level forward of lines drawn 4.5m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 40m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times;
- (u) The premises shall be used for B1 uses only and for no other purpose, including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent

to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

(Notes to applicant:- (1) Applicant was advised that 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, breeding birds and reptiles will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the bats and breeding birds that are affected by this development proposal; (2) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and it should be ensured that any activity they undertake on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation; (3) Applicant was advised that bats are known to use the building as identified in the submitted report. The species concerned are European Protected species within the meaning of the Conservation of Habitats and Species Regulations 2010. Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations; (4) Applicant was advised that part of these works would require a condition survey of the existing public highway to be carried out and agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied before occupation of the development; (5) Applicant was advised 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 exact position on the design layout to assess the implications should be plotted. 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 that may affect its apparatus).

Reason for planning permission, if granted:-

The proposed mixed use development was considered not to have a detrimental impact upon visual or residential amenity and was considered to respect the character of the area in terms of design and would have a satisfactory highway access, landscape provision and drainage design and it was therefore considered acceptable and, accordingly, did not conflict with policies STR6 and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC7 (Rural Employment Proposals), C4 (Provision of Recreational Open Space), H9 (Affordable Housing) and EN12 (Landscape Character Areas).

136. Demolition of two dwellings, office building and associated outbuildings and the erection of 15 dwellings and associated external works at Sellicks Green, Pitminster (30/10/0032)

Reported this application.

Resolved that subject to:- (1) a viability assessment of the affordable housing provision; and (2) a Section 106 Agreement to secure affordable housing and leisure, recreation and community facilities, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) 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;
- (d) No development, excluding site works, shall begin until a panel of the proposed stone and brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) The landscaping and planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the 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;
- (f) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the use hereby permitted is commenced or before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (g) None of the dwellings shall be occupied until the sewage disposal drainage works have been completed in accordance with the details hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (h) The development hereby permitted shall not be commenced until details of a strategy to protect species names has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of consultants' submitted report 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 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 species name shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses has been fully implemented;

- (i) Work shall not commence until details of a scheme for the provision of a bats' roost within the roof void of the development hereby permitted, together with the provision of access to that roof space for bats, has been submitted to, and approved in writing by, the Local Planning Authority. Once approved the works shall take place in accordance with the agreed scheme and thereafter the loft space and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the provision of the bats' roost and related accesses has been fully implemented;
- (j) The windows hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
- (k) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway during the construction period. In particular, but without prejudice to the foregoing, efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until construction on the site has ceased;
- (l) 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 and thereafter provided as agreed;
- (m) The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients and car parking 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;
- (n) 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;
- (o) The gradient of the proposed access shall be no steeper than 1:10 unless otherwise agreed in writing by the Local Planning Authority;
 - (p) Before the dwellings hereby permitted are first occupied a 2m wide footway shall be constructed over the entire frontage of the site in accordance with a specification to be approved in writing by the Local Planning Authority;
 - (q) The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;
 - (r) There shall be an area of hard standing at least 6m in length, as measured from the nearside edge of the highway to the face of the garage doors, where the doors are of an up-and-over type;
 - (s) No work shall commence on the development hereby permitted until details of the access arrangement shown on drawing no. 9337 69 C has been submitted to, and approved in writing by, the Local Planning Authority. Such access arrangements shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use;
 - (t) There shall be no obstruction to visibility greater than 900mm 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 70m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced into use and shall thereafter be maintained at all times.

Reason for granting planning permission (subject to (1) a viability assessment of the affordable housing provision; and (2) a Section 106 Agreement to secure affordable housing and leisure, recreation and community facilities being agreed):-

The Committee considered that the proposal, by reasons of the highway improvements, variety of house types and affordable housing, outweighed the loss of employment land and accorded with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Provision of Recreational Open Space, H9 (Affordable Housing) and SN12 (Landscape Character Areas).

Reason for granting planning permission (subject to (1) a viability assessment of the affordable housing provision; and (2) a Section 106 Agreement to secure affordable housing and leisure, recreation and community facilities being agreed) contrary to the recommendation of the Growth and Development Manager:-

The Committee considered that the proposal was acceptable by reasons of the highway improvements, variety of house types and affordable housing.

137. Development of 11 ha of land to provide in the region of 233 dwellings, recreation and play areas, a public house/restaurant and car parking on land at Maidenbrook Farm, West Monkton

Reported this application.

Resolved that if the Planning Committee had been in a position to determine the application, permission would have been refused for the following reasons:-

Reasons

- (a) Under regulation 9 of the Conservation of Habitats and Species Regulations 2010, Taunton Deane Borough Council considers that there is insufficient evidence to ensure that the development would not affect the 'Favourable Conservation Status', as defined by Article 1 of the Directive, of the populations of European Protected Species recorded on site and the proposal is considered to be contrary to Planning Policy Statement 9 and Somerset and Exmoor National Park Policy 1;
- (b) The proposal has failed to incorporate measures set out in the "test of significance", a legal requirement under the provisions of the Conservation of Habitats and Special Regulations 2010, which was submitted to, and agreed by, Natural England as being necessary to offset impacts on Hestercombe House SAC. The proposal mitigation is considered to be inadequate to compensate for the loss of habitat and the proposal is considered to be contrary to the Conservation of Habitats and Species Regulations 2010, Somerset and Exmoor National Plan Policy 1 and Taunton Deane Local Plan Policy EN3;
- (c) The site lies outside the settlement limits of Taunton and Monkton Heathfield where new development is resisted. The proposal does not serve an agricultural or other appropriate need and, as such, is considered to be contrary to Somerset and Exmoor National Plan Policy STR6 and Taunton Deane Local Plan Policy S7;
- (d) The proposal will have a significant detrimental impact on the open character of the Taunton-Monkton Heathfield green wedge and would reduce the effectiveness of the area in its role as an effective air conduit and wildlife corridor and would represent an undesirable contribution towards the coalescence of the settlements of Taunton and Monkton Heathfield and is considered to be contrary to Somerset and Exmoor National Plan Policy STR1 and Taunton Deane Local Plan Policies EN13;
- (e) The proposed development of this open greenfield site, characterised by hedge enclosed farmland, would be out of character with and detrimental to the landscape character of the area contrary to the requirements of Taunton Deane Local Plan Policy EN12. Furthermore, its development would have a detrimental impact on the character of the Taunton and Bridgwater Canal and approach route into Taunton contrary to the requirements of Taunton Deane Local Plan Policies EN25 and T34;
- (f) Whilst the housing land supply position is uncertain, the site does not satisfy the provisions of Planning Policy Statement 3, Paragraph 69 as the site forms part of an area of proposed green infrastructure that is required to support the emerging Core Strategy and Strategic Urban Extensions at

- Priorwood and Monkton Heathfield and its loss would undermine the evidence base for that strategy;
- (g) The submitted Archaeological Assessment states that there is potential for significant prehistoric and Roman archaeological remains at the site and is therefore a Heritage Asset as defined by Planning Policy Statement 5. The current submitted information is inadequate to assess the impact of the development on the Heritage Asset and the proposal is considered to be contrary to Policy HE6.1 of that Statement, and contrary to Somerset and Exmoor National Park Policy 11 and Taunton Deane Local Plan Policy EN23;
 - (h) Taunton Deane Local Plan Policy H9 requires the provision of affordable housing to be provided on sites of over 1ha or 10 dwellings. The current proposal does not provide for any affordable housing and is considered to be contrary to Somerset and Exmoor National Park Policy 35, Taunton Deane Local Plan Policy H9 and Planning Policy Statement 3 (paragraphs 27-30);
 - (i) The development is expected to result in a need for an additional 47 primary school places. The existing primary school has no spare capacity to cater for the additional demand and the developer is not proposing any contributions in order for those facilities to be provided. As a result the proposal is considered to be contrary to Taunton Deane Local Plan Policy C1;
 - (j) An update on the position of the Highway Authority is awaited given that a signed Section 106 covering the items listed by them is not available and this may result in an additional reason for refusal.

138. Residential Development at Tangier, Taunton – 38/02/0114; 38/07/0183; 38/07/0184 and 38/10/0108Rex

Reported that planning permission had been granted for the erection of 225 flats and ancillary works including new site access, car parking and associated works at the former gas storage site at Tangier, Castle Street, Taunton, subject to a Section 106 Agreement that covered contributions for education, leisure and recreation and the provision of public access to a footpath link adjacent to and a footbridge over the River Tone, highway contributions towards the construction of the Third Way and 56 units of affordable housing giving 28 x 1 bedroom flats and 28 x 2 bedroom flats.

However, since planning permission had been granted and the majority of ground decontamination works had been completed, the development was now unviable due to the financial crisis. The developer had now requested an amendment to the affordable housing agreement to provide 40 units of affordable housing giving 28 x 2 bedroom flats and 12 x 1 bedroom flats.

A financial viability statement submitted by the developer had been independently assessed by the District Valuation Office and it had been agreed that the proposed scheme was not viable in the current economic climate. The District Valuation Office had advised that 45 units of affordable housing would be reasonable.

The developer considered that 45 units would still make the scheme unviable and had suggested the following compromise:-

- The reduction of flats would be 1 bedroom units, keeping 28 x 2 bedroom units;
- Any overage from the other contributions would be retained by the Council to be used for additional flats within the scheme (this could be up to £300,000 which would provide an additional five units);
- The tenure of the flats would be split with 80% social and 20% shared equity (previously unspecified).

Resolved that a variation to the Section 106 Agreement be agreed.

139. Former Taunton Trading Estate, Norton Fitzwarren

Reported that planning permission had been granted in July 2004 for a mixed use development at the former Taunton Trading Estate at Norton Fitzwarren subject to the completion of a Section 106 Agreement covering various issues.

One of the requirements of the Section 106 Agreement was that an area of 2.25 hectares of land in the vicinity of Stembidge Way, Norton Fitzwarren was to be offered for transfer to the Council at nil cost with good title prior to the first occupation of any dwelling house on the main site. The land was to provide a new playing field.

There have been a number of problems relating to third party interests and a right of way and, although the first house had been occupied, the land had not yet been transferred.

Resolved that the Solicitor to the Council be authorised to seek an injunction preventing further occupation of residential properties on the former Taunton Trading Estate site at Norton Fitzwarren until the transfer of the playing field land had been completed.

140. Unauthorised sign on gable end wall of 127 Rockwell Green, Wellington

Reported that it had come to the Council's attention that a sign was in place on the gable end wall of 127 Rockwell Green, Wellington without the necessary advertisement consent being obtained.

The owner had been contacted and requested to remove the sign but, to date, no action had been taken.

Resolved that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to remove the unauthorised sign.

141. Appeals

Reported that one new appeal had been lodged, details of which were submitted.

Also reported that one appeal decision had been received, details of which were submitted.

(The meeting ended at 9.30 pm.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors McMahon and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor McMahon
- Alternate Director of Southwest One – Councillor Watson

SOLAR POWER SOUTH LTD

**ERECTION OF PHOTOVOLTAIC SOLAR PANELS AND ASSOCIATED WORKS
AT LAND AT SANDHILL PARK, BISHOPS LYDEARD**

Grid Reference: 316206.129695

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development will generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There will be some significant short term harm to the visual amenities of the area, but the long term harm in both the immediate vicinity of the site and the long distance views of and from the Quantock Hills Area of Outstanding Natural Beauty is not significant. The benefits are, therefore, considered to outweigh the very small harm and the proposal is acceptable in accordance with Policy C12 (Renewable Energy) of the Taunton Deane Local Plan, Policy 64 (Renewable Energy) of the Somerset and Exmoor National Park Joint Structure Plan Review, Planning Policy Statements 1 (Delivering Sustainable Development), the Climate Change Supplement and Planning Policy Statement 22 (Renewable Energy). The development will not cause harm to wildlife interests, the amenities of neighbouring property, heritage assets or the highway safety. It is, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), EN3 (Local Wildlife and Geological Interests), EN10 (Areas of Outstanding Natural Beauty), EN12 (Landscape Character Areas) of the Taunton Deane Local Plan, Policies STR1 (Sustainable Development), 1 (Nature Conservation), 3 (Areas of Outstanding Natural Beauty) and 9 (The Built Historic Environment) of the Somerset and Exmoor National Park Joint Structure Plan Review, Planning Policy Statements 5 (Planning for the Historic Environment) and 9 (Biodiversity and Geological Conservation) and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 carried out in accordance with

the following approved plans:

- (A2) DrNo J3570 Sandhill park solar scheme
- (A1) DrNo SPP.1589.3B Concept layout plan
- (A4) Site location plan
- (A1) 1134PRS-01 Site Survey

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

3. Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme that shall have been submitted to and approved in writing by the LPA no later than three months following the cessation of power production.

Reason: To ensure that the site is adequately restored following the decommissioning of the site in the interests of the visual amenities of the area, in accordance with Policies S1 and EN10 of the Taunton Deane Local Plan.

4. The site operator shall inform the Local Planning Authority within 5 days of being brought into use that the site is operational and producing electricity.

Reason: To allow the Local Planning Authority to keep a firm record of the date of operation, to allow effective future monitoring of the development.

5. Prior to the commencement of the development, details of a strategy to protect wildlife shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EAD's Ecological Impact Assessment report dated October 2010 and include:
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species.

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

Reason: To protect wildlife and their habitats from damage in accordance with Policies S1 and EN3 of the Taunton Deane Local Plan and Planning

Policy Statement 9.

6.
 - (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.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. Prior to the commencement of the development hereby permitted the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy 11 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN23 of the Taunton Deane Local Plan and in Planning Policy Statement 5.

8. Prior to its installation, full details of the proposed perimeter fence, gates and security cameras shall be submitted to and approved in writing by the Local Planning Authority. The fence shall not exceed 1.8m in height and shall be constructed in complete accordance with the approved details.

Reason: In the interests of the visual amenities of the area, in accordance with Policies S1 and EN12 of the Taunton Deane Local Plan.

9. Prior to the commencement of development an Environmental Management Plan and a Construction Method Statement shall be submitted to and approved in writing by the LPA. The Environmental Management Plan shall include details of the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. The Environmental Management Plan and

Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase.

Reason: To ensure that the site is managed in an acceptable way to protect visual amenity and ecological interests on the site, in accordance with Policies S1, EN3 and EN12 of the Taunton Deane Local Plan.

10. No external artificial lighting shall be installed on the site.

Reason: To protect wildlife interests and the visual amenities of the area in accordance with Policies S1, EN3 and EN12 of the Taunton Deane Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site without the further grant of planning permission.

Reason: To protect wildlife interests and the visual amenities of the area in accordance with Policies S1, EN3 and EN12 of the Taunton Deane Local Plan.

Notes for compliance

1. The information submitted for condition (5) relating to a wildlife strategy should include a thorough re-survey of the site for potential badger activity.
2. The proposals required by condition (7) should include a full geophysical survey of the site to ascertain areas of archaeological potential with subsequent areas with positive geophysical anomalies targeted by trial trenching.

PROPOSAL

This application seeks full planning permission for the erection of 7000 solar photovoltaic panels. They would be installed in rows of two, mounted on a framework system which is screwed into the ground. The development is proposed to be temporary for 25 years after which the site would be returned to its current position. The panels would generate around 2million kw/hrs of electricity per annum, which the applicant claims is enough to power between 600 and 700 homes per year and equivalent to offset around 130 tonnes of carbon dioxide every year.

There would be a 1.8m black security fence around the perimeter of the installation, with landscaping along the outside face of this fence and a wider area of landscaping to the northern corner. There would be a number of CCTV cameras mounted around the perimeter of the site.

In the northern corner of the site would be a small building. This was initially

proposed to house the inverters, the apparatus required to convert the 'direct current' electricity generated by the panels into 'alternating current' suitable to feed into the grid. However, since the application has been submitted, the applicant has confirmed that these inverters would be housed at the end of each row of panels. The building, instead, would be used for the storage of spare parts and maintenance equipment.

The panels, which each measure 1.65m x 0.85m would be mounted two deep such that they had a combined surface height of 3.3m, at a 30 degree angle, such that they would cover 2.9m of ground. There would then be 4.6m between each panel. The front of each row of panels would be approximately 0.9m from the ground and the back would be around 2.5m high. There may be some slight variation in these heights to account for variations in ground level. The rows of panels would be mounted on a frame and fixed to the ground with 'ground screws'. Thus, no concrete foundations are required and the screws can be easily removed at the end of the installation's life. The frame is made from aluminium and screws are required at the front and back of the frame (1.75m apart) and then along the length of the arrays at 3.1 to 3.6m intervals depending on the ground levels.

SITE DESCRIPTION AND HISTORY

The site comprises a, broadly triangular, agricultural field that is currently used for grazing horses. It slopes very slightly down from the north to the south, and is bordered at the southern side by dense woodland, which extends along the south west boundary. A public footpath crosses the site along the north western boundary. Beyond this, a hedge/stone wall separates the site from further open land between the site and the main Sandhill Park drive, and the Lethbridge Park housing estate. There is also a footpath link from this public right of way to the Lethbridge Park development.

The site is bordered, on its eastern side by the West Somerset Railway. The railway line at this point is climbing to the north and, due to this incline, and the surrounding ground levels, the track is broadly level with the northern corner of the site. However, as the track moves south along the site boundary, it disappears into a cutting beneath the boundary hedge. The site is, however, clearly visible from the track at the northern corner of the site, where the public footpath crosses the track via a level crossing.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL – The Council objects to this application for the following reasons:

- Adverse visual impact on the surrounding area, which is rural in nature.
- The location of the development is inappropriate and the scale of the development is also inappropriate for its location.
- The development is adjacent to the AONB and is in close proximity to Bishops Lydeard tourism and leisure attractions.

SCC - TRANSPORT DEVELOPMENT GROUP – No observations to make on this application.

HERITAGE AND LANDSCAPE OFFICER – The proposals will have a significant short term impact as seen from the public footpath to the north of the site and the West Somerset Railway when travelling south of the security fencing and the rear of the PV panels. However, subject to planting densities, the proposed planting should substantially mitigate the main impacts within 5-8 years.

‘Glint’ from the wider vantage points such as the higher ground of the Quantock Hills are likely to be limited.

CONSERVATION OFFICERS - The lie of the land, suggests that, only a glimpse of the panels will be had from Sandhill Park (along the drive), will not be visible from Cedar Falls (main house or lodge) but will be visible from the West Somerset Railway. If screen planting, adjacent to the railway, is secured, I do not believe that the scheme will have any significant impact on the setting of heritage assets.

SCC – DEVELOPMENT CONTROL ARCHAEOLOGIST – Awaited.

BIODIVERSITY OFFICER – EAD was commissioned by Solar Power South Ltd to undertake an Ecological Impact assessment of the site in October 2010. The assessment included a desk study and Extended phase 1 habitat survey. Findings of the reports are as follows:

Amphibians - No potential breeding habitat for amphibians occurred within the site boundary. Scrub and tall ruderal areas provide foraging and hibernating habitat.

Reptiles - Field margins and woodland edges provided potential basking, foraging and hibernation habitat for reptiles such as slowworm and common lizard

Breeding birds - Habitat on site such as trees and scrub provide nesting and foraging habitat for a number of birds. I support the surveyors recommendation that any vegetation clearance take place outside of the nesting period and that the developer provide some biodiversity gain for birds.

Badgers - No badger setts were found within the survey area, although the surveyor noted that the grassland provided potential foraging habitat

Bats - Several mature trees on site provide potential roosting habitat for bats. The adjacent woodland and tree lines also provide foraging and movement corridors for bats. I support the surveyor’s recommendation to install 10 bat boxes on retained trees.

Otters - The stream immediately adjacent to one of the fields provide potential habitat for otter and water vole.

I support the surveyor’s assessment that impacts to the grassland and scrub removal could lead to a reduction in habitat for reptiles and nesting birds.

The proposed landscaping however would offset this and provide biodiversity gain to the development by providing habitat for invertebrates, birds, bats and reptiles. I support the mitigation and enhancement measures proposed both during and post construction

In accordance with PPS 9 I would expect to see wildlife protected and accommodated in this development and so suggest a condition that mitigation is submitted to and agreed by the Local Planning Authority.

ENVIRONMENT AGENCY – Awaited.

NATURAL ENGLAND – “Natural England recognises that climate change represents the most serious long term threat to the natural environment because of the damage it will cause to ecosystems, the biodiversity, the landscape value and services to society which they support. The present challenge is to move to a low carbon economy without unacceptable impacts on the natural environment. Different energy developments have different impacts on the natural environment and these vary in terms of significance and reversibility, dependent on their technology, scale and location. Thus, every case will have to be assessed on its merit...

...I have read through EADs Ecological Impact Assessment of the site undertaken in Oct 2010 and note that there are no predicted impacts to designated sites and that the overall proposals are likely to result in biodiversity gains. Natural England therefore support the mitigation and enhancement measures proposed in the report and the further comments made by TDBC’s conservation officer, Barbara Collier on 23 November.

Although the proposed planting should mitigate the main impacts of the construction in 5-8 years, the effects from the glint from the panels is still something of an unknown factor. So although glint from wider vantage points such as the Quantock hills are likely to be limited I would recommend conferring with the Quantocks AONB to ensure optimum planting at an early stage. There are also issues relating to maintaining an open vista both from and to the AONB viewpoints.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005”.

THE QUANTOCK HILLS AONB SERVICE – “Whilst the AONB service is aware of the importance of renewable energy, the primary purpose of an AONB is to conserve and enhance natural beauty. As such, we are concerned with the impact any new development may have on the character and quality of this nationally protected landscape (including its setting). Please accept these comments in this context.

The AONB service is very concerned about the potential impacts of the development on views to and from the AONB and the potential for setting a precedent for similar developments in the Vale of Taunton Deane (surrounding and in very close proximity to the Quantock Hills (AONB).

Protecting the character and visual integrity of the setting of an AONB is essential to ensure the character and quality of the AONB landscape itself is not compromised. Proposals for change within the setting of an AONB should carefully consider the inter-relationship with the protected landscape. In the context of the Quantock Hills AONB, the importance placed on the landscape setting is highlighted in numerous policies from the national to the local scale.

Views from the Quantock Hills AONB

The site is located less than 2km from the AONB boundary and forms part of the impressive and expansive views across the Vale of Taunton Deane enjoyed from high ground – in the context of this application, from the two open summits of Cothelstone Hill and Lydeard Hill. Given that these are two of the most visited and well used sites within the AONB the sensitivity of the location and viewers is *high*. As such it is imperative that the planning application include an adequate and robust assessment of Landscape and Visual Impact. Given that there is the potential for the development to appear as a series of straight lines (conspicuous in the surrounding landscape) the AONB Service is concerned that a thorough assessment of impact on views is provided. The Landscape and Visual Impact Assessment (LVIA does not, in our view, adequately consider impacts on the views and visual receptors from the two open summits for the following reasons:

- The viewpoint chosen for Cothelstone Hill is set back on the summit. The photograph should have been taken from the edge of the open summit (e.g. close to the bench shown in the photograph, which is deliberately positioned to take advantage of the open views). This would ensure the assessment made is of the clearest view to the site and not an assessment made of a view that is obscured by the summit landform in the foreground. The assessment of impact from Cothelstone Hill is therefore misleading.
- The methodology for determining ‘Significance of effects of impacts’ is insufficiently clear. Significance of the effect or impact is determined by considering both the sensitivity of the receptor (landscape and visual) and magnitude of change. Although the report highlights that these factors have been considered in determining conclusions of impact, there is no criteria provided for degrees of sensitivity or magnitude of change. For both Cothelstone Hill and Lydeard Hill the narrative should clearly explain that these are highly sensitive locations – on open access land within an AONB, used by people for recreation who have an expectation of experiencing fine views. The LVIA provided is not transparent or sufficiently detailed.

Views towards the Quantock Hills AONB

The AONB Service is concerned to ensure that the striking relationship between the low-lying vale landscape of the site and the prominent, inspiring backdrop of the Quantock Hills is fully appreciated and considered when determining this application.

As far as views towards the AONB are concerned, the principal views that would be affected would be those from the footpath to the west of the site, which is located within Sandhill Park and appears to be part of a well-used and attractive recreational route. The Quantock Hills form an important backdrop to the designated historic parkland landscape. The contrast between the low-lying farmed and settled landscape of the vale and the rugged and seemingly untamed landscape of the hills beyond are a key part of the attraction of the area. Indeed, mansions and designated landscapes set beneath the dramatic backdrop of the Quantock Hills are very characteristic of the local landscape. Although it is proposed to mitigate the impact on views by screening the solar panels with new hedgerows, the hedgerows themselves would block views towards the Quantock Hills – interrupting the visual

relationship between the two landscapes.

The Quantock Hills are clearly visible from viewpoints 2-6 in the LVIA and we consider that the impacts on the Hills have not been adequately assessed. In particular, the photographs included for viewpoints 4-6 are misleading in that they do not include views towards the Quantock Hills, which are a significant element of the views to the north east from these locations. The importance of the visual relationship between the vale and hills must not be underestimated. The proposed development will result in views to Quantock Hills being blocked – initially by solar panels and security fencing and later by the perimeter planting when matured. Whilst the proposed planting will soften the impact of the development in the vale, it will mean the loss of open views towards the Quantock Hills.

The current Taunton Deane Local Plan to 2011 contains the following policy, the final paragraph of which clearly recognises the importance of views to and from the AONB...[Policy EN10 includes that the protection of views to and from AONB will be an important consideration...The draft South West RSS policy ENV3 indicates that no development should be permitted outside the AONB which would damage their natural beauty, character and special qualities].

Whilst the site of this development is outside the AONB we have concerns over the precedent this might set for further, similar developments in the area – in terms of views to and from the AONB and changes to the landscape character (by changing the visual relationship between the vale and hills). With the feed-in tariff making this type of development an attractive proposition for farmers, there is potential for cumulative impacts from a number of developments and for other applications close to and within the AONB.”

FORWARD PLAN & REGENERATION UNIT –

Reducing the impact of climate change is a corporate and Sustainable Community Strategy priority.

The current Local Plan has a presumption in favour (policy C12) subject to criteria.

My chief concern would be one of glare. However, the Design and Access Statement states that they will be non reflective.

A landscape impact assessment has been undertaken which appears to demonstrate neutral or less impact after proposed screening/landscaping.

The proposal accords with Council policy and priorities. Subject to no adverse comments from Landscape section the Strategy Unit supports this proposal as making a positive impact to mitigating the impact of climate change.

Representations

1 Letter raising NO COMMENT.

21 letters of OBJECTION have been received raising the following issues:

Principle

- An Environmental Impact Assessment was not required and, therefore, there are significant gaps in the technical information upon which a decision will be made. There is insufficient information in the reports. Consultees have only based their responses on information provided and as such the decision may

not be valid. There is no lighting assessment. CCTV monitoring is mentioned, but not night time lighting, where the cameras and cabling would be mounted, and where the output from the cameras would go. The 4m high posts for the cameras will be intrusive.

- Without an agricultural land classification survey, it is impossible to determine whether the entire field is grade 3b or below – so the effect of the loss of the best and most versatile land cannot be determined. This type of development should not occur on land that can be used for food production.
- The site is approximately 10 acres of open countryside, 5.5 acres of which would be covered in solar panels. Such an industrial development is not suitable on this agricultural land, which would be at odds with the landscape character. An industrial scale power generation plant is not acceptable on open farmland, with all the associated noise and pollution.
- We should not accept development in the countryside when this must be contrary to planning policy.
- The proposal is contrary to policy EN6 (protection of trees, woodlands, orchards and hedgerows).
- This is just another example of environmental vandalism driven by misguided pseudo-green thinking.
- An application for a dwelling at Lethbridge Park has recently been refused on the basis that it would extend the development of Lethbridge Park and be visible from the footpath. This proposal would cover in excess of the development of 300 houses.
- Allowing such an incongruous structure in, or at least on the edge of, an Area of Outstanding Natural Beauty seems unrealistic when planning permission was required for a child's playhouse in a garden at Lethbridge Park.
- Allowing such a visible structure would be inequitable, given that the planning department previously required Sandhill Park, including the uses of all fields, to be restored to its original form.
- Any minimal energy benefits are outweighed by ecological, practical and aesthetic considerations.
- This is not a brownfield site. There are many brownfield sites to be used first, before Greenfield ones, such as old warehouses/factories. Panels should be encouraged on private roofs, not green fields.
- The supporting documents suggest that discussions have taken place with TDBC for the field to the north, so it can only be assumed that given success for this application, development will continue on open farmland along the railway all the way to Williton.
- Amazed to see that the 'Strategy Lead' considers that the proposal accords with planning policy. It would seem that anyone can build anything anywhere in Taunton Deane.

Amount of benefit/type of technology

- The site is to provide energy to the National Grid, not to installers or the operative. This is contrary to the intention of the feed in tariff, which was intended to encourage householders and small businesses to 'go green'. TDBC should refer the application to the Energy Minister, who intends to stop exploitation of the feed in tariff by commercial developers.
- The proposal will serve no useful purpose, as it will not provide energy to the local community in any way.
- The power generated would be enough for approximately 600 homes. For solar energy to make any meaningful contribution to the nation's power requirements would mean environmental vandalism on a huge scale. At this

scale it is no more than tokenism. 18,000 new homes are planned in Taunton Deane, 19,600,000 panels would be required to power them all.

- The power generated is low voltage and requires boosting before connecting to the grid – reducing efficiency.
- The *Mail on Sunday* published an article stating that these proposals are driven by Government subsidies and elsewhere in the EU these have been abandoned as uneconomic.
- This is no more than an opportunistic proposal to take advantage of a small window of government subsidy.
- The West Somerset Railway generates soot which will not be conducive to the panels and will require additional cleaning/maintenance.

Ecology

- Statements made in the ecological survey are not supported, a range of potentially significant effects have not been assessed, there is insufficient information on which to base a robust ecological impact assessment in accordance with guidance from the Institute of Ecology and Environmental Management.
- It is understood that the whole of the Sandhill Park estate, including the application site, is a designated County Wildlife Site.
- The ecological assessment found that there were no badger setts, however a local resident identified at least one sett in November 2010. Previous surveys have identified the adverse impact of badger activity on the water vole population. The application states that there are no reptile habitats, but great crested newts can forage up to 500m from a water habitat; it states that there is potential roosting and foraging habitat within the site. A phase II species survey should have been undertaken in respect of badgers, amphibians, reptiles and bats and a decision cannot be made without it.

Heritage

- The field is visible from the façade of the Grade II listed Sandhill Park and the upper stretches of the South Drive.
- The archaeological assessment is disputed. Important site features and potentially important remains (such as the East Lodge which may be approximately on the site of the inverter building) have been ignored. Maps pre-dating the railway indicate the presence of a former turnpike road. The effect on archaeology of the ground spikes is unknown and the quantity required is also unknown. The line of the turnpike road is clearly visible by a depression in the field which continues along the eastern boundary of what is now Lethbridge Park and follows that boundary until it reaches the North Drive.
- It is assumed that the required geophysical and trial trenching would be conditioned.

Landscape

- There would be little space between the panels, and there would also be a structure the size of a triple garage.
- The effect will be continuous land cover from the Greenway estate to the edge of Lethbridge Park, clearly visible from the public footpath. The installation will be visible from many vantage points and the applicants view that it will only be visible at a very local level is contested. Several longer distance views have been ignored, as have a range of residential properties. A full assessment of the magnitude of visual impact is required.
- The site will be clearly visible from the Quantock Hills (Cothelstone Hill and

the viewing point at the car park for Lydeard Hill) and West Somerset Railway and will scar the panoramic views and local visual amenity that everybody enjoys.

- The security fencing would be an eyesore and details of it are scant in the application.
- The panels would be 2.7m high, so the proposed 1.8m screening and fencing will be insufficient to mitigate this impact, especially as the field slopes upward towards the south. If the application is permitted, the panels should be single instead of double 'storey' in order to reduce the height.
- There is no information on whether the security fencing would be topped with razor wire.
- Other similar developments [a Wind Turbine at Lydeard House (2009) and Solar Panels on the roof at Greenway House (2004)] were refused [due to the impact on the AONB and character of the listed building respectively].
- It may take 10 years for the screening to establish, so there will be an eyesore for this length of time. This is hardly a temporary, short-term impact.

Neighbouring property

- The application fails to mention Lethbridge Park with its amenity areas and public footpaths that connect to the proposed site. The site is visible from west and east sides of Lethbridge Park. The location of the inverter building is of even greater concern.
- The development will be clearly visible from 28 Lethbridge Park. All pictures shown are of the front of the panels, when the rear will be seen from Lethbridge Park and the Sandhill Park mansion.
- There is no justification for downgrading the properties at Lethbridge Park by something which would have the appearance of an extensive industrial complex.
- It will emit a hum which will be audible from nearby houses.
- It is not known how safe the materials are from which the installation is made. Even if they are safe now, there may be long term risks, or risks at decommissioning.

Traffic

- The site will generate a fair amount of traffic – query how this will access the site. The access track will have to be widened and possibly metalled which will cause damage or loss of trees, hedges and other vegetation. Conclusions in the ecological assessment that the development will have a positive impact fails to consider construction effects.
- Traffic would have to arrive at the site via the A358, the site of numerous accidents, and enter via the poorly maintained Sandhill Park Drive. Query why there are no observations from the Transport Development Group.
- The access from the South Drive to the site, through the woodland will have to be widened and cut back, having a huge impact on the character of the area. This track supports a vast array of flora and fauna.

Use of the field

- The field is regularly used by walkers, dog walkers and is grazed by horses. There are two other permissive paths that cross the fields. It is the only footpath from Lethbridge Park to Bishops Lydeard. Walking on a narrow path is very different to crossing an open field. The safety of people using the path will be compromised by the screening which could provide cover for potential attackers. Footpaths will be damaged to an even greater extent if

construction is carried out in the winter – they are very close to the water table, so there may be localised flooding.

- The use of this field will leave neighbouring fields without any natural water, making them useless for grazing animals. Everybody enjoys seeing animals grazing here and they would become overgrown and ragwort-ridden if animals were no longer allowed to graze.

Other matters

- Comments made direct to the applicant in response to their community consultation exercise have not been included with the application.
- Query who will be responsible for upkeep if the company goes out of business.
- Between and beneath the panels will be concrete to provide stability. The field is badly drained and development will lose further permeability with the risk of flooding.
- It is likely to be vandalised by local youngsters and will put further strain on the already overworked local police. Vandalism is prevalent at Sandhill Park. The additional CCTV cameras required will be in infringement of the civil liberties of those using the surrounding footpaths.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN23 - TDBCLP - Areas of High Archaeological Potential,
C12 - TDBCLP - Renewable Energy,
S&ENPP64 - S&ENP - Renewable Energy,
S1 - TDBCLP - General Requirements,
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
STR1 - Sustainable Development,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,
S&ENPP9 - S&ENP - The Built Historic Environment,
PPS1 - Delivering Sustainable Development,
PPS 1 SUPP - Planning and Climate Change,
PPS 5 - PPS5 Planning for the Historic Environment,
PPS9 - Biodiversity and Geological Conservation,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues for consideration in this application are considered to be the principle of the development, the visual and ecological impact of the proposal, the impact on the public right of way, the impact on neighbouring residents – particularly those at Lethbridge Park, the impact on historical assets, and the impact on the highway network.

Principle

The opening paragraphs of Planning Policy Statement (PPS) 1 indicate that sustainable development is the core objective of the planning system. The second 'key principle' outlined in the statement is that "local planning authorities should...promote the development of renewable energy resources". Paragraph 22 supplements this by stating that "local planning authorities should promote and

encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy)".

The PPS 'Planning and Climate Change' supplement to PPS1 describes climate change is the greatest long-term challenge facing the world today and states that there is an urgent need for action on climate change. Planning has a key role to play in encouraging renewable and low-carbon technologies in order to tackle climate change. Specifically referring to renewable energy generation, the supplement states that local planning authorities should not require applicants to demonstrate either the overall need for renewable energy, nor question the energy justification for why a proposal for such development must be sited in a particular location.

PPS22 is devoted entirely to planning policies for renewable energy. It illustrates the Government's commitment to increasing the share of energy provided from renewable sources, stating that "increased development of renewable energy resources is vital to facilitating the delivery for the Government's commitments on both climate change and renewable energy". It goes on to state that "the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale are material considerations that should be given significant weight in determining whether proposals should be granted planning permission" and that "local planning authorities should not make assumptions about the technical and commercial feasibility of renewable energy projects". The statement also states that "small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small". It is also stated that local planning authorities should not use a sequential approach in the consideration of renewable energy projects (for example, by giving priority to the re-use of previously developed land).

In terms of local plan policy, the proposal is located on land designated as open countryside. In general terms, development in these areas is restricted, unless they are for agricultural purpose or accord with other specific development plan policies. Policy C12 relates to renewable energy development and also states that such proposal will be permitted where relevant policies are met. In this context, those policies are considered to be the ones relating to the other considerations detailed in the remainder of the report.

Running through all of the above local and national policy documents are general concerns with the protection of the environment, both in terms of ecological impact and the visual amenities of the area. PPS1 indicates the importance of protecting the character of the rural area and PPS22 advises that the visual impact of renewable energy proposals should be fully considered. However, providing that these matters can be adequately addressed – and this is the subject of the remainder of the report – your officers consider that there is a clear steer in both local and national planning policy in favour of the proposed development, in principle.

There have been a number of comments regarding the alleged inefficiency of the proposal or the limited contribution that this installation would make towards meeting the Country's renewable energy targets. Whilst the contribution is small, neither this or the efficiency of the installation are factors which should be given significant weight in reaching a decision – this stance is firmly confirmed in PPS22. There is a perception that the development is only viable due to government subsidy. Indeed,

the terms of the 'Feed in Tariff' are such that the installation would have to be operational by April 2012 and this is no secret. However, regardless of the previous or current Government's intention with the Feed in Tariff, it is available for installations up to 5MW and the funding or commercial viability of the scheme should not be given any weight in this decision.

Comments have also been raised that brownfield sites should be used. PPS22 advises that there should be no 'sequential testing' of sites and renewable energy developments should not be constrained by such restrictions as they need to be provided where the resource and grid connections are available. Accordingly, the fact that this is a greenfield site is not considered to weigh heavily in the determination of the application.

The application states that the land is 'low-grade' agricultural land and, as pointed out by some of the objectors, there is no evidence to support this. However, the site is currently in use for grazing and this use is not intended to stop through the lifetime of the development as it is an efficient way to maintain the site. After 25 years, it will be possible to return the site to any agricultural use, so even if the stated assumption over the land classification is incorrect, this is not considered to carry significant weight.

Visual impact

The visual impact must be assessed in terms of local and wider impacts and, in particular, the impact on the nearby Quantock Hills Area of Outstanding Natural Beauty (AONB).

The development will cover a large part of a currently open field in solar panels. Whilst the gap between the panels is substantial at just under twice the area actually covered by the panel, the perception will be that this once open site is now covered in development. Furthermore, the 1.8m perimeter security fencing will formally enclose the panels and the public will no longer be able to deviate from the defined public right of way when crossing the field.

The submitted Landscape and Visual Impact Assessment (LVIA) concedes that there will be a significant short term impact on the visual amenities of this area whilst the proposed landscaping takes effect – the Council's Landscape Officer anticipating this to be between 5 and 8 years. There has been a significant amount of objection about this aspect in particular and it cannot be denied that the perception of the area will change greatly. However, whilst the impact here is great, it is only a very short length of one footpath and views are maintained through the trees towards Lethbridge Park on the opposite side of the path. Given that the proposed landscaping will, in time, mitigate the impact of both the fence and the panels themselves, it is not considered that significant harm would arise from this immediate visual impact, in the long term.

The east side of the site is bordered by the West Somerset Railway. This is, obviously, an important tourist route through the area and a large number of visitors will pass. As the railway passes the northern part of the site, the development will be visible from the train, but as the railway descends into the cutting towards the south, views will be lost. As with the footpath, the views are limited to a very short stretch of the railway and, in time, the proposed landscaping scheme will provide substantial mitigation. In this, exposed, corner of the site, the storage building will be located.

This is a small (4m x 6m and 2.5m high) timber building with a curved corrugated sheet roof that will not necessarily look out of place in the rural landscape and will shield most of the panels from view. In addition, the proposed landscaping at this point is at its widest, accounting for the current lack of planting in this strategic location. Accordingly, in a relatively short period, the panels will no-longer be significantly visible from trains passing on the railway.

From slightly further afield, it is considered that the railway embankment will mask views of the site from the footpath to the east. To the west, the public footpath approaches the site through a wooded area and the site is not directly visible until one arrives at the stile into the field. In some ways, this approach reinforces the acceptability of the landscaping/hedge planting proposed along the footpath across the field, simply continuing the enclosed nature of the path into the site. Further to the east, glimpses of the site are available from the footpath along the southern edge of Lethbridge Park and from the main Sandhill Park drive. However, as with the close views, the planting along this boundary of the site (beyond the trees which currently form the boundary to the field) will be strengthened and it is not considered that the impact on the visual amenities of this area will be significantly harmed by the relatively low-level development.

In terms of the wider landscape impact, the site sits in the relatively flat Vale of Taunton Deane at the foot of the Quantock Hills. Due to surrounding ground levels, the site is not readily visible from more distant locations within the vale, being relatively low-rise. The greatest concern is the impact on the Quantock Hills Area of Outstanding Natural Beauty (AONB). Despite giving a presumption in favour of renewable energy developments, PPS22 indicates that in sites with nationally recognised designations (such as Areas of Outstanding Natural Beauty) planning permission for renewable energy projects should only be granted where the objectives of the designation will not be compromised by the development and that any significant adverse impacts are clearly outweighed by the environmental, social and economic benefits.

The site itself is not within the AONB and, therefore, would not actually harm the protected landscape directly. The main issue here is the impact on views into and out of the AONB and whether those would be harmed to the point that the setting of the area and the integrity of the landscape as a whole is compromised.

In their representation, the Quantock Hills AONB Service raise significant concern over the LVIA that has been submitted, suggesting that photographs are misleading due to the vantage points that they have been taken from. In terms of views into the AONB, the Service are keen to ensure that the contrast between the low-lying, 'settled' vale and stark, rugged, 'untamed' AONB landscape is maintained. It can be accepted that the LVIA could have included photographs that showed the hills in the context of the site, but this omission does not in itself make the proposal unacceptable. Indeed, as noted above, the hills form the general backdrop to the wider landscaped formal parkland of Sandhill Park and the network of public footpaths in the area. The impact in terms of views to the Quantock Hills are very local to the application site and, whilst the proposed security fencing in the short-term and landscaping in the long-term would undoubtedly mask views of the hills whilst on the site itself, this is only for a very short length of footpath. From further back – even as close as the Sandhill Park drive – the hills would still be the dominant backdrop landform in the area. Accordingly, it is not considered that views into the AONB are harmed significantly.

In terms of views out of the AONB, the site is distant and viewed as part of a small component of the relatively large-scale landscape of the Vale. There are two main vantage points that are visited by a high number of visitors – the open summits of Cothelstone Hill and Lydeard Hill. Again, the AONB Service are concerned that the photographs in the LVIA are misleading and that views further forward on the summits should have been used. Again, this is an arguable point but does not, in itself, make the proposal unacceptable. Despite covering an entire field in solar panels, that field is adjacent to a wooded area, an existing 'dark' component in the landscape and is not considered to be unduly prominent.

Natural England have commented that the development could lead to glint (the sharp, intense reflection from a small point) and glare (a more widespread general reflection) when looking down from the AONB and that the views of the AONB Service should be sought. Although the panels are 'matt' in finish (reflective surfaces would be less efficient) any large expanse can be slightly reflective when the sun is at certain angles. It is not accepted, therefore, that there would be no glint or glare from the development although the extent of this is almost impossible to measure. However, it is considered that where glint or glare does occur, this would be limited in both time and location as the sun and any resultant reflection move through the course of the day. Any reflection would be limited to the early morning (in the vale) and afternoon (in the hills), as the panels are positioned to directly face the sun when it is at its most intense.

Taking all of the above considerations into account, the landscape impact is considered to be measurable, but not significant in terms of both the local and wider landscape impacts. The Natural Beauty of the Quantock Hills would be maintained, in accordance with policy EN10 of the Taunton Deane Local Plan.

Ecological impact

Part of the Sandhill Park estate is designated as a local wildlife site, however this does not extend to the site itself. In any case, the designation is based on the veteran trees in the parkland, which will not be affected by the proposal. The submitted wildlife survey found that there were no protected habitats within the site itself. It found that the field margins and woodland hedges provided potential basking, foraging and hibernation habitat for reptiles such as slowworm and common lizard. Trees and scrub could provide nesting and foraging habitat for breeding birds and the surveyor recommended that site clearance takes place outside the nesting season. Several mature trees on the site provide potential roosting habitat for bats. The adjacent woodland and tree lines also provide foraging and movement corridors and 10 bat boxes are proposed to be installed on retained trees. The adjacent stream provides potential habitat for otters and water voles.

The Council's Biodiversity Officer supports the surveyor's assessment that impacts to the grassland and scrub removal could lead to a reduction in habitat for reptiles and nesting birds. However, she considers that the proposed landscaping would offset this and, in general provide biodiversity gain to the development by providing habitat for invertebrates, birds, bats and reptiles. The proposed measures are also supported by Natural England who consider that the impact on wildlife interests will be acceptable.

Some objectors claim to have seen badger activity on the site and, at the time of

writing, have been asked to confirm where this activity was. As it stands, the surveyor appointed for the applicant is convinced that there was no such activity at the time of the survey and the Biodiversity Officer considers that, in any case, the ability of badgers to forage on the site will not be compromised. A phase 1 survey, such as that submitted, is considered to provide sufficient information to allow the application to be determined, concluding that there were no protected species on the site. It is possible that badger activity has started on the site since the survey was undertaken and given the comments from the neighbouring resident, a condition should be attached to ensure that further survey work is undertaken prior to the construction of the development. Ultimately, if a badger sett (or other protected species) is found, then the applicant will need to apply to Natural England for a derogation under the habitat regulations. At the time of writing, your officers are completely satisfied that the application contains sufficient information in order to make a decision.

Public right of way

The impact on the amenity of the public right of way has already been discussed in the consideration of the visual impact of the proposal. Accordingly, whilst the character of the path along the field will be changed, it is not considered that it would be significantly less desirable as a walking route (as part of a small component of a large footpath network) than the existing path. The actual usability of the path would not be altered at all and it would remain open along the existing definitive line without modification. As such, the impact on the public right of way is considered to be acceptable.

Neighbouring residents

The closest, and arguably most affected, neighbours are those on the southern fringes of the Lethbridge Park estate. The panels themselves are considered to be fairly benign structures that face away from this housing development. As such, residents of Lethbridge Park will not be affected by glint or glare from the panels. The height of the panels is low – on average 2.5m from the ground and as such, although they may be visible, they will not be obtrusive or overbearing when viewed from the closest (or any other) resident – the face of the dwelling being some 80m from the site boundary. Again, the additional landscaping proposed along this site boundary is considered to soften any impact. It is of interest that of the 13 letters of objection from Lethbridge Park only 3 have been received from residents of the 10 properties along the southern edge of the estate (although 3 have not specified which property they live in). All 51 residents of Lethbridge Park were notified of the application. It would seem, therefore, that even amongst those closest to the site the majority of the nearby residents are not in objection to the proposal.

There are other close neighbours to the east of the site – in particular Castle House, Barton Grange and Grendon House on Minehead Road, the closest of which is around 110m from the eastern site boundary. However, these dwellings are on the opposite side of the railway line at the southern end of the site, which is descending into a cutting at this point and where there is existing boundary screening. Accordingly, these properties are not considered to be unacceptably affected by the proposal and it is noteworthy that none of the properties in this area have commented on the application.

Some concern has been raised about noise from the panels. The panels themselves

are silent, although the inverters could create a very small amount of noise. According to the applicants information, this would be so quiet as to be barely audible standing next to the unit and inaudible off the site. Accordingly, it is not considered that there would be any noise disturbance from the development.

Concern has also been raised that there are no known health impacts of the installation. However, by implication, there is no evidence one way or the other on this matter and accordingly such concern is not considered to carry significant weight.

Historic assets

The site sits within the Sandhill Park estate, the mansion being Grade II* listed. The surrounding parkland, a deliberately landscaped area is, therefore, part of the setting of the main house. However, the application site is on the edge of the grounds, visibly separated from the main site by the trees along the south western site boundary and tree line along the north western boundary. This area is also already compromised by Lethbridge Park and, as such, the mansion no longer sits in open 'parkland'. When approaching the mansion up the south drive, the site is not visible, it is only when looking back from the mansion towards the site, or heading back down the drive that glimpses will be possible. As such, the mansion and panels are not seen in the same view and it is not considered that the glimpses from the main drive and mansion itself are detrimental to the setting of the listed building – especially given the landscaping that will establish over time. The duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 – to ensure that the listed building and its setting are preserved when making any planning decision – is, therefore, satisfied.

There are further listed buildings to the east, on the opposite side of the railway line, but it is not considered that the setting of these would be prejudiced by the proposed development due to the separating agricultural land and railway line.

The site, being part of the former estate does have some archaeological potential, although this is not acknowledged as a formal designation. The proposed fixing method of ground screws to a depth of around 1m has less potential to cause ground disturbance than other more traditional methods such as excavation and concrete pads. An archaeological assessment has been completed, and concludes that, whilst each individual ground screw would not have an undue effect, the collective impact could lead to the potential for substantial disturbance, particularly in the area of the possible 'chantry' site to the north. The report recommends that the site be the subject of a geophysical survey to ascertain areas of archaeological potential with subsequent areas with positive geophysical anomalies being targeted by trial trenching. At the time of writing, the comments of the County Archaeologist are outstanding and members will be updated at the meeting, but given the conclusions of the applicant's own report, it is considered reasonable and necessary to impose conditions requiring further survey work prior to the commencement of development.

The West Somerset Railway could also be considered a heritage asset but, as discussed above, it is not considered that the proposal would significantly impact on this route.

Highways

The highway impacts of the proposal will be very small. Vehicles will be attracted to the site during the construction and decommissioning of the installation, but aside from that it is only routine maintenance vehicles that will visit. At construction, the applicant anticipates that around 10 articulated lorries will be required, with around 25 deliveries in total. A tractor and flat bed trailer would move the panels from the drive into the site, so that full access for lorries is not required along the public footpath. Accordingly, the applicant has confirmed that no widening or surfacing of the access route, along the public footpath would be required. Once the site is operational, a maintenance van is expected to visit approximately 5 times per year. Based on this low level of traffic generation, the Local Highway Authority do not wish to comment on the proposal.

Other matters

It has been suggested that the development will require concrete foundations and that this will impact upon the drainage of the site. With the exception of the small building in the north corner, which will sit on a concrete pad, this is incorrect with the development being anchored to the ground with screws. The panels will be allowed to drain naturally to the ground and, as there will be no increase in surface water falling on the site, such proposals are considered to be acceptable.

Conclusions

Government policy, in the form of PPS1 and the 'Climate Change Supplement' gives a clear steer in favour of renewable energy development. Like the local plan policy, this is couched in the caveat that landscape impact must be carefully considered. In this case, it is accepted that there will be some short term harm to the landscape in the area very local to the site, particularly along the route of the public right of way across the field. However, as the landscaping establishes, this harm will reduce year on year. It is also considered that there would be some interruption of the views to the Quantock Hills AONB from the footpath, however, this is over a relatively short distance and is not considered that the harm is significant. Likewise, the development is not considered to be intrusive in the Vale landscape when viewed from the Quantock Hills. As such, given the wider environmental benefits to be achieved from producing electricity from renewable sources, it is considered that the balance between these issues falls firmly in favour of granting permission.

In other regards, the development is not considered to have a detrimental impact on local wildlife interests, the usability of the public right of way, neighbouring residents, heritage assets or the highway network. The proposal is, therefore, considered to be acceptable and it is recommended that planning permission is granted.

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

07/10/0028

MR T EVERETT

CHANGE OF USE AND CONVERSION OF AGRICULTURAL BARN TO FORM BUSINESS UNITS AT HEATHERTON PARK STUDIOS, BRADFORD ON TONE

Grid Reference: 317013.122076

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development would make a good use of an existing rural building, and given the surrounding buildings and land-uses is considered to comply with specific policy requirements for the conversion of rural buildings.

The proposed development would not give rise to unacceptable landscape impacts or cause significant harm to the amenities of neighbouring residents or the highway network. As such, the proposal is considered to be acceptable and in accordance with policies S1 (General Requirements), S2(Design), EC6 (Conversion of Rural Buildings) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and policies STR1 (Sustainable Development), STR6 (Development outside Towns and Villages) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review.

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 carried out in accordance with the following approved plans:

(A2) Site plan
(A2) DrNo BS1120/0907/05/ABM Barn floor plans
(A1) DrNo BS1120/0207.04/ABM Barn elevations
(A1) DrNoBS1120/0807/01/ABM Site survey
(A4) Block plan
(A4) Site location Plan
(A4) Block plan

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

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

4.
 - (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.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. The units hereby permitted shall be used only for those purposes defined within class B1 of The Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: Other uses have the potential to cause detrimental impacts to the amenities of neighbouring properties and may lead to increased traffic that would be detrimental to highway safety, in accordance with Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

6. Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time when measured at the façade of any residential premises.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which

this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: To ensure that the amenities of neighbouring residents are protected, in accordance with Policy S1 of the Taunton Deane Local Plan.

7. No machinery shall be operated, no process or business shall be carried out and no deliveries taken at or dispatched from the site outside the following times 08:00 hrs – 18:00 hrs Monday to Friday and 08:00 hrs - 13:00hrs Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

8. The vehicular access onto/from the access road to the south of the site shall be permanently stopped up with all vehicular movements over this access ceased before any unit hereby permitted is first occupied/brought into use. The said access shall at no time thereafter be opened up with all traffic associated with this development utilising the access to the north as approved on the submitted plan.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

9. No external lighting shall be provided on site without the prior approval of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN34.

10. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M1.

Notes for compliance

PROPOSAL

The application seeks planning permission for the change of use and conversion of a redundant agricultural building to B1 use at Heatherton Park Studios, Bradford on Tone. The proposals will involve external and internal alterations to a modern steel portal frame agricultural storage building to form six independent units ranging from 75 sq metres up to a maximum sized unit of 140 sq metres.

The proposed external alterations will involve the application of new finished to the existing walls in the form of render, softwood boarding and new glazing elements to the south east and west elevations. A new stairwell and suspended walkway will be formed along the south and east elevations to provide access to the two units at first floor level. Other external works include the enlargement of the existing parking and turning area to provide for 25 additional parking spaces within the site. It is proposed to move the existing eastern site boundary out into the adjoining field by 6 metres to allow the formation of the additional parking areas. A new 1m high post and rail fence will be erected along this boundary and earth bund with planting formed within the site boundary for screening purposes.

Internally, the proposed conversion will involve the erection of partition walls with a new suspended first floor. A ground floor entrance will be provided to the south elevation of the building with access to all ground floor units and the first floor units via a stairwell and lift.

The site will be accessed via a linear single track lane which derives access off of a classified unnumbered highway that links the A38 to the village of Bradford on Tone. The development will not be accessed via the main Heatherton Park access which is derived directly off of the A38 to the south east.

The proposals are supported by a travel plan document, which states that it is anticipated that 25% of workers travelling to the site will do so by public transport, on foot or by bicycle. The report identifies cycle routes to Taunton and bus routes along the A38, with nearest stops being a 5-10 minute walk away and services running to Taunton every 20 minutes to Taunton, twice hourly to Wellington and hourly to Bridgwater. This is supported by the applicant and site owner undertaking the role of the travel plan co-ordinator for the units and having all prospective tenants to sign up to a personal travel plan and statement of commitment. Employees will also be encouraged to join the governments Bike to Work scheme. The travel plan will be monitored and assessed by audit annually. The report also indicates that of the seven people currently using the adjacent building, one cycles to work daily, one during fair weather and one uses the nearby bus service periodically.

A further supporting document is that of wildlife survey, which concludes that no bats species use the barn and that no nesting sites were found also occasional bird use was evident from droppings.

SITE DESCRIPTION AND HISTORY

The application site comprises a steel portal frame building on land to the east of Heatherton Park House. The site is surrounded by a number of residential properties and an adjoining business unit which provides for a painting and frame restoration business with offices above. The building to which the application relates has reinforced concrete lower walls with timber cladding above and a steel profile sheet roof. Internally the building has a partitioned area but is generally open and used occasionally for storage. The former agricultural function of the site appears to have ceased.

Most recent planning history relates to 07/07/0023 which approved the conversion of a former milking parlour to a B1 use with office above. Planning applications for residential conversions have been refused within Heatherton Park more recently

virtue of the unsustainable location of the site and impacts upon highway safety through the use of a dangerous access onto the A38 at Worlds End.

The site can be accessed via a single track lane off of the adopted highway, which is approximately 300 metres long; a secondary access over which the applicant has rights is provided to the south of the application site along a narrow track serving residential properties, derived directly off the A38.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Whilst it is recognised that there is or may have been an established agricultural use at the site, the proposed development is outside of any development limit and is remote from any urban area

It must be a matter for the Local Planning Authority to consider whether or not this is a suitable location for such a development as the site lies outside any recognised development boundaries and can be considered unsustainable in purely transport terms. As a consequence, occupiers of the barn conversion are likely to be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to the government advice.

In addition many of the agricultural movements are likely to have been internal and not necessarily have involved significant use of the adjoining public highway network.

In terms of the detail, there are directly from/onto the A38 and is considered substandard in terms of visibility currently two vehicular accesses leading to the site. The southerly (private) access derives access and it is considered by the Highway Authority that it should not be used in respect of this development.

As part of the previous application, 07/07/0023 a condition was imposed stating that there should be no vehicular access or use onto/from the access road to the south, however this has clearly not been adhered to and the gateway remains to be in use. Whilst it has been stated in Mr Wratten's letter dated 6 December 2010, that the Applicant has a right to use this access on to the alternative drive, which is exercised from time to time, the Highway find this unacceptable, as if this had been known at the time of the previous application, the Highway Authority (HA) would have recommended refusal of the application.

It is considered by the HA, that the northerly access is better in terms of highway safety for and of traffic emerging onto the Bradford on Tone road and it has been denoted on the submitted plans that this is the one to be used, however it cannot be ensured that the southerly access will not be used unless it is totally stopped up, and this is a major cause for concern to the HA.

Therefore if the Applicant is not willing to totally stop this up to all vehicular traffic, (simply shutting and locking the gate will not be acceptable), to the satisfaction of the LPA/HA, a recommendation of refusal on highway safety grounds will be forthcoming in respect of this latest application.

The private access road leading from the Bradford on Tone road to the site, is only

wide enough for single file traffic, and is approximately 535m in length. The applicant is advised that the provision of an inter-visible passing places will now be necessary if this latest scheme is granted consent, to enable vehicles to pass each other with ease is something that would improve this access road. It would appear that the applicant controls the land in order that such works could be implemented. It needs to be ensured that sufficient onsite parking commensurate with the use together with a segregated turning area is provided (to enable all vehicles to turn within the site when all of the spaces are occupied), but not to the detriment of any other uses that also exist within the site.

A maximum provision of 24 spaces (given unsustainable location) would be required for the current application with an additional 5 being retained/provided in respect of the previous application. It is noted that 32 spaces have been shown on the plan and this is considered acceptable.

It should also be ensured that there can be not split of land/units at a later date and loss of parking to either of the units as a result of any change of ownership.

If the issues set out above are not addressed I would recommend refusal of the development, however if the Local Planning Authority are minded to grant consent, I would welcome the opportunity to recommend appropriate highway related conditions.

BRADFORD ON TONE PARISH COUNCIL - Object to the proposed development for the following reasons:

- Visual impact to north side upon the Linhay virtue of windows and heating units
- proposal will increase need to travel; therefore increased movements at A38/Worlds End/village roads
- No passing places on access road
- Previous conversion was for private use but sub-let creating additional traffic movements - 9 vehicle movements during site visit
- Vehicles still using the private road to south and access onto A38 at Worlds End.

Environmental Health - no objection - recommend conditions for contamination investigation and a limit to noise emissions and operating hours.

Representations

9 letters of objection raising the following planning related matters:

- increased traffic movements;
- track designed for light traffic movements;
- no passing places along single track;
- access onto dangerous part of highway;
- cycling along approach roads dangerous public transport expensive and unlikely to be used;
- travel plan unrealistic due to no onsite parking charges;
- degradation of site and area due to traffic movements;
- additional traffic noise will be heard from residential gardens;
- overlooking from north side window Noise from air heating units will disturb neighbours;
- waste storage near entrance;
- little economic benefit to surrounding villages;

- number of units will grow beyond permitted number once planning gained;
- pedestrians put at risk from increased use of access track;
- use should not be changed from agriculture to business more effective traffic control required at junction onto A38;
- impact of noise upon residential amenity
- applicant should block off access onto private road serving Heatherton Park House;
- inappropriate for the area - Chelston more suitable location;
- addition alight pollution concern;

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 M1 - TDBCLP - Non-residential Developments,
 EC6 - TDBCLP - Conversion of Rural Buildings,
 PPS1 - Delivering Sustainable Development,
 PPS4 - Planning for Sustainable Economic Growth,
 PPS7 - Sustainable Development in Rural Areas,
 PPG13 - Transport,
 EN34 - TDBCLP - Control of External Lighting,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,

DETERMINING ISSUES AND CONSIDERATIONS

Development principles:

The site is in the open countryside, where there is a general presumption against development. However, Planning Policy Statement 7, supported by policy EC6 of the Taunton Deane Local Plan, encourages the re-use of rural buildings for employment uses. It is considered that this proposal complies with the specific requirements of policy EC6 in that it is sited near a public road, is generally in keeping with the surroundings and has a size and structure suitable for conversion without major rebuilding, extension or alteration. Planning Policy Statement 4 is similarly supportive of proposals for rural employment and business opportunities, even where the development is not sited adjacent or closely related to existing villages. Policy EC12.1 of PPS4 states that rural economic opportunities may be supported even where the site is not accessible by public transport. Planning Policy Statement 4 is similarly supportive of proposals for rural employment and business opportunities, even where the development is not sited adjacent or closely related to existing villages. Policy EC12.1 of PPS4 states that rural economic opportunities may be supported even where the site is not accessible by public transport.

The building itself, is a modern steel portal framed building and, therefore, lends itself to the use proposed. The building would require the sides to be blocked up and rendered with new windows and doorways provided together with a suspended access platform, but the general form of the building would remain the same and in the context of the other existing portal framed buildings for which permission for change of use and conversion to business use has been permitted recently. The works and alterations proposed are not considered to amount to significant alteration.

The travel plan makes a commitment to encourage sustainable mode of transport to the site and this is welcomed. The village of Bradford on Tone is easily accessible via bicycle and a regular bus service is available within a 5-10 minute walk. The site is located outside of any defined settlement limit and therefore for the purposes of planning is in open countryside. Notwithstanding the sustainable modes of transport mentioned previously, some users of the proposed units will choose to travel by private motor vehicle and such generation of vehicular movements is unsustainable in transport terms. However, this is not the sole indicator for providing sustainable forms of development. Indeed, in order to be sustainable there must be a balance between environmental, social and economic factors. The development proposed the re-use of an existing building and incorporates a green travel plan and low carbon forms of energy/heat production which have environmental benefits to them which, to a degree are considered to counter the increased traffic movements resulting from the new units. Further, the units will be suitable for small businesses wanting to operate within the area and whilst there may be similar areas towards Wellington and Taunton these may not be so affordable for smaller rural based businesses. As a result, the proposed development is considered to represent positive socio-economic benefits for the wider rural area and not just that within the immediate Parish boundary Having regard to this matter, the proposed development is considered to represent a sustainable form of development.

Visual amenity:

The building, as it currently stands has an appearance akin to a former agricultural storage building. It is simple in its appearance and designed and constructed to suit the purpose for which it was originally built. Given that policy generally supports proposals for the re-use of rural buildings for economic purposes, there must be some degree of flexibility allowed to the external and internal make up of non-traditional units. The alterations to the external fabric of the building will materially alter the overall appearance of the building, but it is considered that the proposed design will not materially harm the visual amenity of the surrounding area. The adjacent building which has already been converted to business use has had its original character and appearance significantly altered in a similar manor without giving rise to any undue harm to the visual amenity of the area and it is considered that whilst the design of the altered building is of a modern approach, this will also be the case for the building subject of this application.

To the east of the building will be an enlarged parking area to serve the new units. The parking of cars to the front when viewed from the highway to the east and from around the development site may be seen to harm the visual amenity. However, it is proposed to form a new earth bund with planting to screen the parking areas. Further, this screening will also enable the building to be screened and result in a less prominent appearance within the landscape as a result.

Residential amenity:

The building is most closely associated with residential properties to the north and west, with those dwellings known as Linhay and Parkfield House. The owner/occupants of The Linhay have objected to the proposals on various grounds, including overlooking from a first floor window and noise from air source heat pump units, all to the proposed north elevation. These concerns are shared and an amendment to the proposed design has been discussed with the agent with regard to these issues. It has been agreed verbally that the proposed window is to be fixed

and obscure glazed and the air source heat units will be relocated to the southern elevation. Subject to these amendments being received, I am of the opinion that the proposed conversion will not give rise to any additional overlooking or loss of privacy.

Having regard to potential noise disturbance and nuisance, the councils environmental health team have been consulted over the proposals and have not raised an in principle objection. It is however recommended that hours of use and noise be conditioned so as to protect the amenity of nearby residential properties. These recommendations are fully supported and will be appropriately conditioned as part of any approval that may be forthcoming. Some concern has been raised with regard to noise arising from additional vehicular movements. It is recognised that there may be some increase in noise, however this will be during the day only and not at weekends, as controlled by the aforementioned operating hours condition. Further, the recognised agricultural use is likely to have generated a significant level of noise from farm vehicles at times and it is not thought that the movement of motor cars, delivery vehicles and the like will give rise to noise disturbance to a degree that would warrant refusal with this in mind.

Highway safety:

The site will be accessed via a narrow single lane private track which leads onto a classified highway linking the A38 at The Worlds End to Bradford on Tone. The site is not to be accessed via the private track serving Heatherton Park House and the surrounding dwellings which is accessed directly off of the A38 and under the gate house archway. An existing gate in this position appears to be used on occasions, but, should not be as conditioned by the previous permission for conversion of a former milking parlour. The use of this access, if proposed or uncontrolled would result in an objection being raised by the highway authority and such would be supported given that the lane leads directly onto an accident blackspot on the A38. The proposed access however provides for good visibility onto the main highway network and therefore its use is supported - as reflected in the highway authority response subject to the formation of a passing place along the track however this is not possible due to land ownership issues, and a passing space is provided off of the highway and should alleviate any conflict between those properties currently afforded access over the track and the proposed units - such was previously acknowledged in the last application approved for the conversion of the milking parlour. It is considered appropriate to require the permanent closing off of the existing access onto the Heatherton Park House access lane so as to prevent any future use of the dangerous access onto the A38.

There are nearby business developments adjacent to the site including a cattery, painting and frame restoration business and professional offices. Vehicles travelling to and from the site are likely to do so in the morning and evenings only, with most choosing to stay on site throughout the day. As such it is unlikely that there will be significant traffic congestion during working hours at the site. Having regard to this matter and that an acceptable standard of visibility is available onto the public highway, there should be no significant harm to highway safety as a result of the proposed development, particularly if the aspired 25% of employees travel to the site other than by private motor vehicles.

Conclusions:

The proposed development would make a good use of an existing rural building and is considered to comply with Policy EC6 of the Taunton Deane Local Plan. The proposed development would not give rise to unacceptable landscape impacts or cause significant harm to the amenities of neighbouring residents or the highway network. As such, the proposal is considered to be acceptable and it is, therefore, recommended that planning permission is granted.

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

19/10/0013

MR & MRS B DICKS

ERECTION OF DOMESTIC CARE FACILITY FOR USE AS ANCILLARY ACCOMMODATION TO DWELLING AT WHITEGATES, MILL LANE, HATCH BEAUCHAMP

Grid Reference: 330995.119737

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal for the following reason:

- 1 The proposed building due to its size and location is considered to be tantamount to a new dwelling in the countryside without sufficient justification and contrary to policy STR6 of the Somerset and Exmoor National park Joint Structure Plan Review and policies S1, S7 and H18 of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

The proposal as described by the submission is to erect a domestic care facility as ancillary accommodation to the existing dwelling for the disabled son of the applicants. The building is however a detached two storey property with attached single garage. The building has a hipped roof to reflect the design of the existing house and a footprint of over 105sqm. On the ground floor there is a kitchen, utility, wc, dining room, lounge, carer's lounge and a large hall, while the first floor has 3 bedrooms, one ensuite, a bathroom and a carer's bedroom. The site would be accessed through the garden of the existing property known as Whitegates.

The application is supported by a Design & Access Statement, a Flood Risk Assessment and supporting documents, including one from a consultant neuropsychologist and an occupational therapist. A Section 106 Agreement is being offered to ensure the building remains ancillary to the existing dwelling.

SITE DESCRIPTION AND HISTORY

The site consists of an area of agricultural land used as paddock adjacent to the applicant's existing dwelling separated by a fence and hedge.

Pre-application advice was sought concerning the principle, siting and design.

Options suggested in terms of smaller ancillary buildings within the existing garden were ruled out by the applicants and advice was given that a large detached dwelling outside the curtilage could not be supported in policy terms.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

HATCH BEAUCHAMP PARISH COUNCIL - the Council is supportive of the application provided the Borough Council is able to complete a satisfactory agreement which restricts the ownership and use of the new dwelling to that of ancillary accommodation to the existing dwelling "Whitegates". Given the nature of the development as ancillary accommodation the Borough Council be asked whether the "red line" on the ownership plan which denotes the planning unit should extend to the whole of the existing site of "Whitegates" rather than the site of the new dwelling.

WESSEX WATER - The above proposal is not located within a Wessex Water sewered area. The developer has not indicated how surface water is to be disposed of. It is advised the Council should be satisfied with any arrangements for the disposal of foul and surface water flows generated by the development. There is a water main in the vicinity and it will be necessary to agree a point of connection which can be agreed at detailed design stage.

ENVIRONMENT AGENCY - Since this is a householder application reference should be made to our Flood Risk Standing advice when considering whether development is safe from flooding. We support the recommendations of the submitted Design, Access and Flood Risk Assessment: finished floor levels should be set no lower than the existing and the applicant should sign up to our Floodline service. They may also want to consider flood resilience within the new building to further protect the property from flooding.

Representations

10 letters of support for the proposed independent living accommodation.
10 further letters of no objection.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS 1 SUPP - Planning and Climate Change,
PPS3 - Housing,
PPS7 - Sustainable Development in Rural Areas,
PPS25 - Development and Flood Risk,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the development is the impact of what is in effect is a new dwelling in the countryside contrary to policy and whether there is sufficient justification for this.

The proposal is for the erection of what is described as domestic care accommodation for a relative of the applicants. The applicants' son has suffered a brain injury due to a road traffic accident in 1997 and this has left him disabled with a need for close supervision and support. Supporting information from a consultant neuropsychologist advises that the patient is not likely to reach any of his rehabilitation goals whilst living in the family home as he remains unco-operative in this setting. It is the views of experts dealing with Mr Dicks case that he "live in a supervised and supported setting but one which offered the most independence and opportunities to develop, extend his horizons and moderate his maladaptive behaviours. With the ongoing support of his family and the paid care package, it is likely that this will best be achieved, and most likely accepted, if he can have his own accommodation with care workers on site (hopefully not for 24 hours) in reach of his family who will help him to gradually gain confidence to be without them and yet be on hand for providing supervision, trouble shooting and emotional support when carers are not available." A possible way of providing therapy it has been suggested is the use of the land around Whitegates as a small holding to provide a therapeutic occupation for the rest of his life. The supporting statements however do not indicate the necessary scale of care accommodation required.

While the question of ancillary care accommodation is not in question, the means and scale of provision is. Advice on providing ancillary residential uses is first to design an extension to the existing house, secondly to convert existing outbuildings in the curtilage and thirdly to provide a new build annexe. Pre-application advice was sought and given, however the suggested alternative options put forward were dismissed. The scale of the proposed care facility is not considered to comply with policy H18 as it is set in land outside the existing domestic curtilage and consists of a two storey detached four bedroom property. This is clearly not of a scale that can be considered as ancillary to the adjacent main dwelling. Although a Section 106 is offered to secure the future occupation of the building this is not considered appropriate in this instance as when the proposed occupier no longer requires the use of the building, it would not be appropriate for such a large building to be used as an annexe and there would be no ground to resist the removal of the agreement leaving a large detached dwelling in the countryside. A condition to secure removal of the building when no longer required also would be considered unreasonable given the investment and permanent nature of the new building.

The Highway Authority raise no observations to the proposal. The site lies beyond any defined settlement limits and so is sited in a rural location. Care provision would involve carers having to make frequent visits, while provision of on site care would reduce this traffic. The proposal could therefore be argued to have a neutral impact on sustainability. Clearly however this would not be the case were the future care use no longer be required. The site lies on the edge of a flood risk zone and the Environment Agency has recognised that the risk can be minimised for the domestic care use. However should the proposal be considered as a dwelling, the siting would fail the sequential test and be recommended for refusal on that basis.

In light of the above considerations, while I have sympathy for the applicants, I do not consider that the proposal warrants what is a large detached 4 bedroom property in the countryside and the development is therefore recommended for refusal.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

BELLWAY HOMES LTD/BARRATT HOMES (EXETER) LTD

FLOOD CHANNEL IMPROVEMENT WORKS TO HALSEWATER AND FORD FARM DITCH WITH ASSOCIATED WORKS TO DRAINAGE DITCH ADJACENT TO WEST SOMERSET RAILWAY EMBANKMENT, REPLACEMENT OF BRIDGE AND CULVERT AT STATION ROAD AND DIVERSION OF PUBLIC FOOTPATH AT LAND AT FORD FARM, NORTON FITZWARREN

Grid Reference: 324811.129469

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered to provide an acceptable flood channel scheme that will reduce the flood risk of the site and some other residential properties in the area. Subject to mitigation, the proposal would not impact unreasonably upon wildlife interests within the site. It is, therefore, considered to be acceptable in accordance with Policies S1 (General Principles), EN3 (Local Wildlife and Geological Interests) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and guidance contained in Planning Policy Statements 9 and 25.

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 carried out in accordance with the following approved plans:

(A1) DrNo TD485-10D Existing ford farm ditch
(A1) DrNo TD485 Soft landscape plan
(A1) DrNo TD485-11E Proposed flood relief channel plan
(A3) DrNo TD485-09 Red line plan
(A1) DrNo 1029-M4 Proposed bridge/culvert
(A1) DrNo TD485-13D Soft landscape plan
(A3) DrNo TD485-14 Ford Farm Fiels Interceptor Ditch
(A1) DrNo 1029/M4 Proposed bridge/culvert
(A1) DrNo TD485-11E Proposed flood relief channel plan (illustrative)
(A1) DrNo TD485-12B Proposed typical channel sections
(A3) DrNo TD485-09 Red line plan

(A4) Location plan
(A1) DrNo 1029/M4 Proposed Bridge

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

3. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 14 October 2010 by Hyder Consulting and the following mitigation measures detailed within the FRA;

- The capacity of the proposed channel must be no less than the channel described in section 4 of the FRA.
- The soffit of Station Road Bridge must be no lower than 22.163m AOD at the abutments and 22.447m AOD at the centre.

Reason:

To ensure flood risk is reduced and to ensure there is no impediment to flood flows in accordance with Planning Policy Statement 25.

4. Any land raising or spoil stockpiling shall be in a location shall only be in a location that has previously been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the flood risk off site will not be increased as a result of these works, in accordance with Planning Policy Statement 25.

5. No development shall commence until details of the construction and design of the replacement bridge at Station Road have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To ensure that the development does not increase flood risk elsewhere or the pollution of the watercourse, in accordance with PPS25 and PPS23.

6. No development shall commence until details of the construction and design of the weir to split low and high flows have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To ensure that biodiversity interests are protected in accordance with PPS9.

7. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EAD's Ecological Impact assessment (EclA) and EAD's Landscape and Ecological management plan, dated October 2010 and further otter and water vole surveys and include:

1. Details of protective measures for protected species to include method statements for fish, reptiles, amphibians and (If appropriate)

water voles to avoid impacts on wildlife during all stages of development;

2. Details of the timing of works to avoid periods of work when the nesting birds could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the nesting birds and 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 and thereafter the resting places and agreed accesses for nesting birds and bats shall be permanently maintained. The mitigation shall include maintenance and provision of the new bird and bat boxes, resting areas within the proposed bridge and the creation of habitat piles.

Reason: To protect wildlife and their habitats from damage

8. 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.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

9. Ecological monitoring of the site shall be undertaken in accordance with Landscape and Ecological management plan prepared by EAD dated October 2010.

Reason: To ensure that the long-term management of the site is informed and to identify where the existing maintenance regime requires modification, in order to protect ecological interests in accordance with PPS9.

10. (i) The landscaping/planting scheme shown on drawing TD485_13D shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the 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.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

Notes for compliance

SITE DESCRIPTION AND HISTORY

The site sits to the west of Station Road and south of the B3227 through Norton Fitzwarren. The existing Halse Water crosses the site, running parallel with the B3227, before turning south. It then crosses Station Road via a culvert under the road. There is an existing 'drainage ditch' which runs through the centre of the site, broadly running south from where the Halse Water crosses the B3227, before turning east and rejoining the main channel shortly before the Station Road culvert. Both the main channel and the drainage ditch are lined with trees and vegetation. A public footpath runs through the site, again, broadly following the drainage ditch, although the trodden route does not appear to follow the definitive line. The applicant, therefore, proposes to formally divert the footpath to broadly follow the established trodden line and adequately accommodate the proposed channel works.

Works to this site were always envisaged as part of a wider flood alleviation scheme for Norton Fitzwarren, which to date includes the Halse Water dam and channel improvements at the Old Cider Factory. However, the Local Plan Inspector considered that the site should not be allocated for residential development in the Taunton Deane Local Plan and, accordingly, the works for this site were never advanced.

PROPOSAL

This application seeks full planning permission for works to the Halse Water at Ford Farm. The works essentially propose to provide a flood channel for the Halse Water by altering an existing drainage ditch that runs across the middle of the site. It is proposed to extend from downstream of Wassail View (to the north of the B3227) to Station Road – a distance of approximately 519m. It would comprise a low flow channel approximately 5m wide, 0.5m deep, a 6m wide maintenance margin; a flood channel with a top width of approximately 18m; and a weir structure designed to maintain the existing channel flow splits in both low and high flow conditions.

The application also proposes a new bridge on Station Road. The existing 'box culvert' bridge would be replaced with a single span bridge. It also incorporates flood protection walls and bunding to the south side of the structure and a humped carriageway profile to contain floodwaters and protect properties in Station Road.

An 'interceptor ditch' along the boundary with West Somerset Railway to capture overland flow.

In carrying out these works, it is intended to lift the Ford Farm site out of flood zone 3b – the 'functional floodplain'. In turn, this would release it for residential development and the applicants have made no secret that this is their long term intention – and indeed the reason for submitting the current proposal. However, that potential for future development is not part of this proposal which seeks only to secure planning permission for the channel and bridge works.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – Awaiting.

NORTON FITZWARREN PARISH COUNCIL – “The applicants make it clear in their application that, it will enable them to develop the site for approximately 600 properties. Yet there is little more than passing reference to this.

The Council therefore strongly objects to the application for the following reasons:

That the application as it is submitted is incomplete in that it is missing vital information, and so cannot reasonably be considered in isolation of that proposed further development.

To grant approval at this stage carries the risk of compromising on the benefits that can potentially be brought to the community through the proposed development when considered as a whole.

To cite just one example of why the Council feels this to be the case, there is no consideration given in the application to the route, construction, and especially drainage of the proposed relief road. The Council cannot therefore assess whether this application benefits or compromises the construction of that relief road, neither in engineering nor in financial terms.

The relief road must be built. Without it the village will not have received any benefit whatsoever from the development of the Old Cider site or future development of Ford Farm. In the Exhibition Display Material at the end of the Statement of Community Involvement information, the road is shown as no more than an estate road and the road junction at the B3227 end is not at all suitable for use as a relief road.

There is no evidence in the application of any discussions having taken place between Somerset County Council and the developers regarding the inclusion of a relief road.

The wording in a newsletter recently sent to Council from the developers states:

“Residential development could, in turn provide the funding which would allow for the completion of the by-pass around the village.”

Council feels that this is much too vague a statement; the developers could argue in the future that any extra expense incurred in completing the flood alleviation works,

or a downturn in the housing market would make the completion of the by-pass uneconomical.

This application should clearly show that provision of the relief road has been taken into account and state that the flood alleviation works will in no way prejudice completion of the road”.

ENVIRONMENT AGENCY – The environment agency has no objection to the application, subject to the imposition of conditions that works are carried out in accordance with the Flood Risk Assessment and that full details of the Station Road bridge are submitted for prior approval.

HERITAGE AND LANDSCAPE OFFICER - Subject to protection of retained trees during construction and implementation of the proposed planting in the first available planting season, the scheme should provide a suitable flood channel scheme.

NATURE CONSERVATION & RESERVES OFFICERS - Habitats within the survey area include flowing water, broadleaf woodland, scattered trees, semi-improved grassland, floodplain grazing marsh, ruderal vegetation and scrub. Habitats bordering the site include orchard and railway.

EAD was commissioned by Barratt and Bellway Homes to undertake an Ecological Impact assessment (EclA) and a Landscape and Ecological management plan of the site.

The assessment included Extended phase 1 habitat survey and surveys for invertebrates, fish, amphibians, and reptiles, breeding birds, badgers, bats, otters and water vole.

Findings of the reports are as follows:

Invertebrates – The orchard was considered the most valuable habitat on site for invertebrates. I support the proposal to create deadwood habitat in the orchard.

Fish – Ford Farm ditch, unlike sections of Halse water upstream of Station Road, was considered unsuitable for bullhead and brook lamprey. The ditch may support other fish species intermittently following floods in Halse water.

I support the proposal for a fish removal exercise to be undertaken by the applicant and agree that a method statement agreed with the Environment Agency is required.

Amphibians – The ditch was considered unlikely to provide breeding habitat for amphibians but the adjoining riparian vegetation could provide feeding habitat, as could the ditch when there is no flow.

I support the surveyor’s recommendation that a method statement, including a hand search, be produced to avoid impacts on great crested newts. A Natural England licence may be required.

Reptiles – Slowworm and common lizard were recorded within the riparian zone associated with the ditch. I support the surveyor’s recommendation that a reptile exclusion and translocation be undertaken.

Breeding birds – Habitat on site provided nesting and foraging habitat for a number of birds. No kingfisher or sand martins were recorded along the reach.

I support the surveyors recommendation that vegetation clearance take place outside of the nesting period and that the developer provide some biodiversity gain for birds.

Badgers – No badger setts were found within or immediately adjacent to the survey area, although a badger was observed during survey

I support the badger protection measures proposed by the developer.

Bats – A serotine, natters and pipistrelle bat roost in building 5 on site and four trees have potential to support bat roosts, although no bats were recorded in the trees during the dawn swarming surveys. The building and trees will be unaffected by the development.

The surveyor recorded several bats on site and considered that the woodland, trees, scrub and the ditch provide foraging and movement corridors for bats. The removal of scattered trees will reduce the value of this corridor for bats although the proposed tree and shrub planting will restore the flight corridor in the medium term.

Otters – An active otter holt was recorded at the base of a large willow in the northern section of the western part of Ford farm ditch and an artificial in active holt was recorded 26m to the north of the eastern Ditch/ Halse water confluence.

All riparian woodland and scrub was considered to provide potential for further holts.

I support the proposal for an otter resurvey to be undertaken prior to the construction and for a licence application to Natural England.

Water vole – No evidence of water voles was recorded although they have been recorded in the surrounding area.

I agree that resurvey should take place prior to the start of construction.

The reports concluded that the works, during and post construction, could lead to adverse habitats and species without the proposed mitigation and enhancement.

In accordance with PPS 9 I would expect to see wildlife protected and accommodated in this development and so suggest the following condition

NATURAL ENGLAND – Natural England fully support the comments made by Barbara Colliler, the Nature Conservation and Reserves Officer, in particular with reference to the active otter holt and the re-survey for water vole as described in EAD's ecological impact assessment dated Oct 2010.

DRAINAGE ENGINEER – No comments received.

FORWARD PLAN & REGENERATION UNIT – No comments received.

SCC - RIGHTS OF WAY - An application will need to be made to Taunton Deane Borough Council to divert the footpath. Please note that a plan will need to be requested to determine the precise line of the existing path as I believe it has been incorrectly shown on Drawing TD485_10D, particularly where it exits onto Station Road. However, in principle we are supportive of the proposed diversion.

Representations

2 letters raising NO OBJECTION have been received. However, the following comments are made:

- This will lead to further housing – the village already has too many houses for the road system we have or planned.
- The field at Ford Farm is the ideal green area for walkers and recreational purposes.
- The site is a floodplain and protects Norton and Taunton. The more work done on the flood channel, the faster you get the water to Taunton, increasing the risk of flooding.

3 letters of OBJECTION have been received raising the following issues:

- The proposal is in essence to build a moat around a flood plain.
- There is only one reason for the proposed development – to allow new housing. Norton Fitzwarren has more than met the quota required by the Government for new homes. There is insufficient infrastructure in Norton Fitzwarren for more new housing.
- The developers have confirmed that the application will be followed by an application for residential development. You should not be allowed to develop on flood plains.
- Now that housing numbers have been reduced by 4000, there is no longer any need for this development to take place.
- The site has always been a floodplain and grade A agricultural land. The Priestly report stated that no development should take place on this site.

Despite raising objection, letters also made the following comments:

- The bridge at Station Road should be replaced as should the flood alleviation work at Stembridge Way and Kingdoms Lane.

PLANNING POLICIES

EN28 - TDBCLP - Development and Flood Risk,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN12 - TDBCLP - Landscape Character Areas,
PPS9 - Biodiversity and Geological Conservation,
PPS25 - Development and Flood Risk,
PPS23 - Planning and Pollution Control,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this development are the principle of the development, the landscape impact, ecological impact and flood risk.

Principle

The proposal seeks to improve the flow of water through Ford Farm to remove the site from the functional floodplain, thus reducing its risk of flooding. As a consequence, the proposals would also reduce the risk of flooding to existing residential properties, by preventing water backing up – particularly under Station

Road. As noted above, it is clear that the proposal is intended to allow Ford Farm to be developed, but this is not the subject of the current proposal. Most of the objection to the application is as a result of concerns relating to future development, but these views do not weigh heavily in the consideration of this proposal.

The comments of the Parish Council are noted. However, the provision of a relief road would be the subject of any future application for development of the site. It is not appropriate to consider precise routes of such a road as part of this application. Ultimately, if any future development proposals require such a road, it will have to be shown as deliverable at that stage.

Landscape impact

The Council's Landscape Officer has considered the proposals and, subject to the protection of retained trees throughout the development, is satisfied that the proposal is acceptable. A detailed landscaping scheme has been submitted with the application and its implementation and maintenance should be the subject of a planning condition.

Ecological impact

The submitted ecological report indicates that there are a number of protected species within the site, that could be impacted upon by the proposed development. The Biodiversity Officer and Natural England consider that acceptable mitigation measures can be put in place that will protect wildlife interests, supported by additional survey work immediately prior to the commencement of the development. This can be dealt with by conditions.

Flood risk

The proposal will reduce the flood risk of the site and also of surrounding properties. The Environment Agency has considered the proposal in detail and does not consider that it would lead to an increase in off site flooding. They recommend that conditions (3) and (4) above are imposed on any grant of planning permission.

Other matters

At the time of writing, no comments have been received from the Local Highway Authority. They are involved in this proposal insofar as works are required to the public highway in the form of a replacement bridge on Station Road. However, the development, itself, is not dependent on highway works and the works will not affect highway safety. It is considered that the Local Highway Authority will need to approve the works through their own legal agreements with the developer and as such they will retain control. As such, their lack of response need not hold up the grant of planning permission.

The proposal will require the existing line of the public right of way (PROW) through the site to be diverted. SCC's PROW team have commented that they consider the proposed diversion route to be acceptable in principle and, accordingly, it is not considered that the proposal would lead to unacceptable impacts on the usability of this route.

Conclusion

The proposal is considered to provide an acceptable flood channel scheme that will reduce the flood risk of the site and some other residential properties in the area. Subject to mitigation, the proposal would not impact unreasonably upon wildlife interests within the site. The detailed design of the Station Road bridge can be the subject of a planning condition. With regard to these matters, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

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

38/10/0429

MR B CARPENTER

**ERECTION OF GROUND FLOOR EXTENSION TO THE REAR/SIDE AT 14
MOUNTFIELDS ROAD, TAUNTON**

Grid Reference: 323698.123436

Full Planning Permission

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

(A4) DrNo 0810-03 Site plan
(A4) DrNo 0810-04 location plan
(A1) DrNo 0810-05 proposed plans and elevations Option 4
A1) DrNO 0810-01 Existing plans and elevations

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

3. 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

PROPOSAL

The erection of a single storey extension to the side and rear of the property. The rear extension will project 2.6m from the back wall of the house and is 7m across. It will project along the side of the property by 935mm that will allow pedestrian access to the rear of the property. The extension is designed to have a lean to roof with a pitch on the north east (side) elevation.

The application is before the Planning Committee as the agent is related to a member of staff.

SITE DESCRIPTION AND HISTORY

The main dwellinghouse is semi detached and finished in render under a tiled roof. There is a garage situated to the rear of the property that is non-functional due to its size. The existing single storey lean to part of the property, that was built as original, will be demolished

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations

Representations

None received

PLANNING POLICIES

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

DETERMINING ISSUES AND CONSIDERATIONS

It is considered that the design of the extension will reduce any impact on the adjoining neighbours and would not have any undue impact on amenity. The use of matching materials will ensure that the extension will be in keeping with the main property. In light of these considerations the proposal is supported.

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

CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 12 JANUARY 2011

Proposal	Start Date	Application/Enforcement Number
FORMATION OF ACCESS AND USE OF LAND FOR STORAGE AT FORMER BRICK YARD, HIGHER POOLE, WELLINGTON	08 DECEMBER 2010	46/10/0002
ERECTION OF SHED AT 6 MOUNTWAY ROAD, BISHOPS HULL (RETENTION OF WORK ALREADY UNDERTAKEN)	29 DECEMBER 2010	05/10/0006