



## Planning Committee

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 17 July 2013 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 22 May 2013 (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 46/13/0007 Erection of an agricultural workers dwelling to replace mobile home and erection of a plant store, grading, packing and seed store at Gerbestone Manor Farm, Gerbestone Lane, West Buckland (as amended).
- 6 24/13/0024/LB Erection of storm porch to rear of Manor Court Farm, Huntham, North Curry.
- 7 E/0055/06/13 Caravan and mobile home on site after expiry of temporary planning permission at Mill Field, Minehead Road, Bishop's Lydeard.
- 8 Planning Appeals - The latest appeals recieved (attached)

Tonya Meers  
Legal and Democratic Services Manager

29 August 2013

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

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

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

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

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

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

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

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



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 the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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## **Planning Committee Members:-**

Councillor J Allgrove  
Councillor C Bishop  
Councillor R Bowrah, BEM  
Councillor S Coles  
Councillor B Denington  
Councillor J Gaden  
Councillor E Gaines  
Councillor C Hill  
Councillor M Hill  
Councillor I Morrell  
Councillor B Nottrodt  
Councillor P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

## **Planning Committee – 22 May 2013**

Present: - Councillors Mrs Allgrove, Bishop, Bowrah, Brooks, Coles, Denington, Gaines, Hayward, Mrs Hill, Miss James, Nottrodt, Mrs Reed, Mrs Smith, Tooze, A Wedderkopp, D Wedderkopp and Wren

Officers: - Tim Burton (Planning and Development Manager), Bryn Kitching (Development Management Lead), Matthew Bale (Area Co-ordinator West), Gareth Clifford (Area Co-ordinator East), Russell Williams (Planning Officer), Di Hartnell (Heritage Lead), Judith Jackson (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Andrew Randell (Corporate Support Officer)

Also present: Councillors D Durdan and Miss Durdan in connection with application Nos 14/12/0043 and 14/13/0006, Councillors Gaines and Ross in connection with application No 49/13/0015, Councillors Cavill, Farbahi and Morrell and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### **59. Appointment of Chairman**

**Resolved** that Councillor Nottrodt be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

### **60. Appointment of Vice-Chairman**

**Resolved** that Councillor Coles be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

### **61. Apologies/Substitutions**

Apologies : Councillors Mrs Gaden, C Hill and Watson.

Substitutions : Councillor Brooks for Councillor Mrs Gaden.  
Councillor Hayward for Councillor C Hill  
Councillor Mrs Reed for Councillor Watson

The Committee noted that Councillor Mrs Gaden had been appointed to the Committee to replace Councillor Mrs Messenger and that Councillor Gaines would be replacing Councillor A Govier on the Committee for the remainder of the Municipal Year.

### **62. Minutes**

The minutes of the meetings of the Planning Committee held on 17 April 2013 and 1 May 2013 were taken and read and were signed.

### 63. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillor Wren declared a personal interest as an employee of Natural England.

### 64. 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:-

#### **27/13/0003**

**Installation of solar PV development of 16,020 ground based racking systems, mounted solar panels, power inverter stations, transformer stations, sub station, security fencing with associated access gates and CCTV security cameras mounted on free standing support poles on land east of New Rendy Farm, Oake (as amended)**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A3) Location Plan;
  - (A3) DrNo PV.100 Rev A4 PV Layout;
  - (A3) DrNo PV1.00 Rev A1 Red Line Plan;
  - (A3) DrNo PV1.00 Rev A6 PV Layout;
  - (A3) DrNo PV1.00 Rev A1 Site Plan;
  - (A3) DrNo TGC/PV001 Rev A1 Fence (as amended by email);
  - (A3) DrNo TGC/PV002 Rev A1 Gate;
  - (A3) DrNo TGC/PV003 Rev A1 Inverter Cabin;
  - (A3) DrNo TGC/PV004 Rev A1 CCTV;
  - (A3) DrNo 2V Rev A Racking System;
  - (A3) DrNo TGC/PV009/01 Rev A1 Comms Building;
  - (A3) DrNo TGC/PV010/01 Rev A1 Switchgear Housing;
  - (A3) DrNo GSC0015-1 Rev 0 Proposed Elevation Based on 33 kW WS; Schneider Switchgear; and
  - (A3) DrNo TGC/PV004 Rev A1 CCTV System;
- (c) Within 25 years and 6 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 and method statement (that shall include deconstruction traffic management) that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following the cessation of power production;

- (d) The site operator shall inform the Local Planning Authority within five days of being brought into use that the site is operational and producing electricity;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ecosulis's submitted report, dated November 2012 and any up to date survey and include:-
  - a. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - b. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  - c. Measures for the retention and replacement and enhancement of places of rest for the species.

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

- (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) Alongside the above details, a landscape management scheme, which also contains details of the existing hedges and proposed actions to those hedges shall be submitted to, and approved in writing by, the Local Planning Authority, and the approved landscape scheme shall be retained and maintained for so long as the development remains in existence;
- (g) The perimeter fencing hereby permitted shall be erected prior to the commencement of any other works on site unless otherwise agreed in

writing by the Local Planning Authority;

- (h) No development shall commence until a scheme to limit surface water flows and runoff from the solar panels across the site, from the development during the construction and operational phases has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented and maintained in accordance with the details of the approved scheme;
- (i) 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, other than those hereby permitted, without the further grant of planning permission;
- (j) No external artificial lighting shall be installed on the site;
- (k) Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within four months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority;
- (l) The development hereby permitted shall not be brought into use until:-
  - that part of the service track that provides access to the solar panels construction site from the highway has been constructed;
  - the existing access has been modified to incorporate sufficient width for vehicles to pass and to improve visibility along the lane to the south;
  - the proposed access has a minimum width of 6m and incorporates a 45 degree splay to the south;
  - the existing hedge shall for a distance of 12m, be lowered to and at no time be more than 900mm above the level of the carriageway to the south of the access during the construction period;
- (m) Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented by the approved Contractor. The plan and any contract shall stipulate the size of vehicles to be used for deliveries and the routes to be used. The approved Contractor shall ensure that no vehicle leaves the B3227 at Hillcommon and that no deliveries are made to site before 9.30am and not after 5pm on Mondays to Fridays and no deliveries are made to site between the hours of 2.30pm and 3.30 pm (primary school term times only) Mondays to Fridays;

- (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. 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 start of construction and thereafter maintained during the construction phase of the site;
- (o) The Development hereby permitted shall not be commenced until sufficient properly consolidated parking and turning spaces for vehicles have been provided on the construction site itself and across the lane at New Rendy Farm to be constructed in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such parking and turning space shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (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. Such provision shall be installed before the commencement of construction of the development hereby approved and thereafter maintained at all times.

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant planning permission; (2) 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 wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. In the UK badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions; (3) Applicant was advised that the Environment Agency has given details of its requirements for the consideration of this application. Full site-specific details of flow routes and runoff from the solar panels across the site, especially during the construction phase and the effect of compaction are required. In particular, attenuation volumes should be agreed based on the above investigation and taking into account site specific circumstances. Porosity tests are needed. The introduction of impermeable areas within



the development should be minimised wherever possible i.e. access tracks should be permeable. Any drainage scheme should be supported by percolation / soakaway tests on site, or pre-cautionary assumptions made as to the ground conditions and likelihood of percolation being achievable. Management of the land, including grass seeding and planting (in line with proposals set out in the FRA) should be considered and confirmed. Measures to offer betterment on existing surface water rates and volumes to reduce flood risk elsewhere should be considered given the scale of the development; (4) Applicant was advised that any entrance gates erected should be hung to open inwards, should be set back a minimum distance of 12 m from the carriageway edge and shall thereafter be maintained in that condition at all times; (5) Applicant was advised detailed information/specification relating to the vehicles used during the construction phase will need to be provided. The Highway Authority considers the following information necessary:-

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

Details of the necessary Condition Survey of the proposed HGV routes along the existing public highway (local lanes) will need to be agreed with the Highway Authority and the survey carried out prior to any works commencing on site. Any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site. The survey(s) must be agreed in advance with the Taunton Deane Area Highways Office who will also be able to advise upon the scope and coverage of any survey and any particular local features to be taken into account. The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Taunton Deane Area Highways Office. The Area Highway Manager will be able to advise upon and issue/ provide the relevant licences, necessary under the Highways Act 1980.)

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

The proposed development would generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There would be some slight, localised harm to the visual

amenities of the area, however the benefits were considered to outweigh the limited harm and the proposal was acceptable in accordance with Policies CP1 (Climate Change) and CP8 (Environment) of the Taunton Deane Core Strategy. There would be additional traffic during the construction and decommissioning periods, however this would not be significant given the overall traffic levels. The development would not cause harm to wildlife interests, the amenities of nearby property nor highway safety, nor would it lead to an increase in off-site flooding. It was, therefore, considered to be acceptable in accordance with Policy DM1 (General Requirements) and guidance contained in the National Planning Policy Framework.

### **31/13/0008**

### **Erection of two storey extension to the rear and a double detached garage at Rosedale, Ilminster Road, Henlade (resubmission of 31/12/0015)**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A1) DrNo 2512\_02 Rev C Proposed Plans, Elevations and Section;
  - (A4) DrNo 2512\_03 Location Plan;
  - (A4) DrNo 2512\_04 Site Plan; and
  - (A1) DrNo 2512\_05 Rev B Proposed Plans and Elevations – Garage;
- (c) The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Rosedale.

(Note to Applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has imposed planning conditions to enable the grant of planning permission.)

#### **Reasons for granting planning permission**

The scheme would assist in providing the required accommodation for a disabled resident, where there were limited other options to achieve this and whilst not an ideal design, was not deemed to cause unacceptable detriment to the appearance of the property or the surrounding area. The proposal, as amended, was not considered to result in a material impact on the residential amenities of the occupiers of neighbouring properties and would have no adverse impact on highway safety. As such, the proposal was in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

**48/13/0023**

**Installation of dormer window to the front and rooflight to the side at Rosemead, Cheddon Fitzpaine**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A3) DrNo 3712\_01 Location Plan;
  - (A3) DrNo 3712\_02 Site Plan; and
  - (A3) DrNo 3712\_03 Existing and Proposed Elevations.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

**Reasons for granting planning permission**

The proposed dormer window had been designed to be in keeping with the existing dwelling and was not considered to result in harm to the street scene or the surrounding landscape. The scheme was not deemed to have an adverse impact on the amenities of neighbouring dwellings and would have no impact on highway safety. As such, the proposal was in accordance with Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

- 65. Conversion of the Mansion House and Orangery following some partial demolition to 18 apartments and conversion of outbuildings part to 8 apartments, erection of 28 new dwellings, demolition of remaining former hospital buildings and the reinstatement of the site of the buildings and roads to Parkland and informal gardens, provision of bat roost buildings, restoration of Parkland, formation of parking areas and footways and improvements to access road, access and footways, Sandhill Park, Bishops Lydeard (06/08/0010)**

Reported this application.

**Resolved** that subject to:-

1. The receipt of a revised Travel Plan to be subsequently approved by the Somerset County Council Travel Co-ordinator and attachment of the approved Travel Plan to the Section 106 Planning Agreement;
2. Confirmation from an independent property valuation expert that the forecast sales figures for the converted and new build dwellings are

appropriate; and

3. The applicant entering into a Section 106 Planning Agreement to provide for the following:-
  - No works to be commenced until the Developer has entered into a repair bond with the Council;
  - Completion of repair works to be within 5 years of commencement of repair works and not allow the occupation of the last two dwellings on the new build land until the conversion works have been completed;
  - Appointment of a main contractor for repair works and received written approval of the Council of said contractor;
  - Commence landscape area restoration works within one year from commencement of development and not allow occupation of the last eight dwellings on the new building land until restoration is complete;
  - Not permit occupation of the last two new build dwellings until conversion works are completed;
  - Remove hospital buildings prior to any dwelling first being occupied;
  - Not allow occupation of any dwelling until management agreements for the Mansion House, barns, new build and Parkland have been entered into;
  - Only allow parking in designated areas; and
  - Not allow occupation of any dwelling until a Travel Plan is first approved by the Council and thereafter implement the approved Travel Plan as agreed;

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

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - Site Location SPP.1740.1;
  - Topographical Survey;
  - Overview and Historic Context Plan SPP.1740.2A;
  - Landscape Masterplan SPP.1740.3A;
  - Enabling Development and Pleasure Grounds and Inner Parkland SPP.1740.4B;
  - Pond Restoration SPP.1740.5;
  - Bat Mitigation Measures SPP.1740.6;
  - Landscape Details SPP.1740.7;
  - Mansion Landscape Plan SPP.1740.8;
  - Residential Landscape Plan SPP.1740.9;
  - Access Plan P9582\_H101(c);
  - Site Layout 1002\_P\_001-J;
  - ;Site Layout with Roof Plan 1002\_P\_002-F;
  - Site Sections - existing 1002\_P-003\_Rev A;
  - Site Sections - proposed 1002\_P-004\_Rev A;

- House Type A 1002\_P-120;
- House Type B-S 1002\_P-121;
- House Type B-R 1002\_P-122;
- House Type C 1002\_P-123;
- House Type D1-R 1002\_P-124;
- House Type D2-R 1002\_P-125;
- House Type E Sheet 1 1002\_P-126;
- House Type E Sheet 2 1002\_P-127;
- House Type F Sheet 1 1002\_P-128;
- House Type F Sheet 2 1002\_P-129;
- House Type G Sheet 1 1002\_P-130;
- House Type G Sheet 2 1002\_P-131;
- Garage Units 1002\_P-132;
- Context Study 1 1002\_CS -001;
- Context Study 2 1002\_CS -002;
- Context Study 3 1002\_CS -003;
- Context Study 4 1002\_CS -004;
- Context Study 5 1002\_CS -005;
- Sketch Site Layout 1 (illustrative only) 1002\_SK-055;
- Sketch Site Layout 2 (illustrative only) 1002\_SK-056;
- Existing Basement Plan P9688/Rep021B;
- Existing GF Plan P9688/Rep022B;
- Existing FF Plan P9688/Rep023B;
- Existing SF Plan P9688/Rep024B;
- Roof Plan P9688/Rep025B;
- Post Fire Elevations 1 of 2 P9688/S011B;
- Post Fire Elevations 2 of 2 P9688/S012B;
- Demolition Plan 12/31/104;
- Proposed Basement Plan 12/31/222A;
- Proposed Ground Floor Plan 12/31/223B;
- Proposed First Floor Plan 12/31/224A;
- Proposed Second Floor Plan 12/31.225A;
- Proposed Roof Plan 12/31/226B;
- Proposed Elevations-Sheet 1 12/31/227A;
- Proposed Elevations -Sheet 2 12/31/228A;
- Stable Block And Barn - Existing Plans 07/20/301;
- Stable Block And Barn - Existing Elevations - Sheet 1 07/20/303;
- Stable Block And Barn - Existing Elevations - Sheet 2 07/20/304;
- Orangery And Ancillary Buildings- Proposed Floor Plans 12/31/310;
- Stable Block And Barn - Proposed Floor Plans 12/31/311;
- Stable Block And Barn -Proposed Elevations- Sheet 1 12/31/313;
- Stable Block And Barn -Proposed Elevations- Sheet 2 12/31/314;

(c) (i) The landscaping/planting scheme shown on the submitted plans shall be completely carried out in accordance with a phasing scheme that shall first be submitted to, and approved in writing by, the Local Planning Authority before any part of the development hereby permitted is commenced. Thereafter the approved landscaping/planting scheme shall

be implemented in strict accordance with the approved phasing time periods. (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;

- (d) Prior to implementation of any part of the development, hard landscaping schemes showing the layout of areas with stones, paving, walls or other materials for both the new build development and Mansion conversion shall be submitted to, and approved in writing by, the Local Planning Authority. Such schemes shall be completely implemented before the relevant part of the development hereby permitted is occupied and thereafter be so maintained;
- (e) No part of the new build development, excluding site works, shall begin until sample panels of the proposed stone, brickwork and render, 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;
- (f) The external surfaces of those parts of the buildings to be retained shall be retained as existing and where necessary repaired and/or renewed with salvaged materials from the existing building/matching materials, unless prior to the commencement of development the written approval of the Local Planning Authority is obtained to any variation. The development shall be carried out and thereafter maintained as such, in accordance with such approved details;
- (g) Details of all guttering, downpipes and rainwater goods to be used in respect of the new build development shall be submitted to and approved in writing prior to implementation of that part of the development and the approved materials shall thereafter be maintained in perpetuity;
- (h) The windows and doors 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;
- (i) Notwithstanding the parkland fencing, prior to implementation the details of all boundary walls, fences or hedges within each part of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates is first occupied and shall thereafter be maintained in perpetuity;
- (j) Prior to the commencement of each development area, detailed drawings showing which trees are to be retained on that part of the site shall be submitted to, and approved in writing by, the Local Planning Authority and

none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority;

- (k) Prior to the commencement of each development area (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained within that part of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations within that part of the development area 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;
- (l) 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;
- (m) Prior to the commencement of development a scheme and programme of works as necessary for the driveway and estate road, together with details of the future maintenance arrangements (for the drive and estate road) shall be submitted to, and approved in writing by, the Local Planning Authority. The necessary works shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted, and shall thereafter be maintained in accordance with the agreed programme;
- (n) None of the dwellings hereby permitted, shall be occupied until a footway has been provided between the site access, and the entrance to the Greenway estate, in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details and plans;
- (o) No work shall commence on the development hereby permitted until additional details relating to the proposed highway works shown on Drawings P9582-H101 Rev C and P9582-H103 Rev A have been submitted to, and approved in writing by, the Local Planning Authority. Such highway works shall then be fully constructed in accordance with the approved plans and agreed specification before any dwelling hereby permitted is first occupied;
- (p) There shall be no vehicular access to the site other than from South Drive and Station Road;
- (q) The areas allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the dwellings which they are to serve are first occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

- (r) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority prior to implementation and thereafter installed and maintained in accordance with the approved details;
- (s) All services shall be placed underground;
- (t) Prior to implementation of each development area, detailed drawings indicating height, design, intensity of light and manufacturer's specification of any external lighting in non-private areas shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter be carried out and maintained in accordance with the approved details in perpetuity;
- (u) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected on the site, other than that expressly authorised by this permission, without the further grant of planning permission;
- (v) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), there shall be no addition or extension to the dwelling(s) (including the insertion of dormer windows) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority;
- (w) Details of the appearance of any sub-stations for utility provision shall be submitted to, and approved in writing by, the Local Planning Authority;
- (x) The development hereby permitted shall not be commenced until an overarching strategy to cover each development area has been prepared and submitted to the Local Planning Authority. This overarching strategy shall detail the protection required for bats, nesting birds, badgers, dormice, reptiles, amphibians, water voles and invertebrates. Thereafter a detailed strategy specific to the each development area (i.e. the Mansion, new build housing and wider Sandhill Park estate) shall be prepared and submitted prior to the beginning of construction work within each area. The strategies shall be based on the advice of MWA's submitted reports (Ecological survey dated November 2012, Bat emergence and activity surveys dated December 2012, Bat Hibernation Inspection dated December 2012, Reptile Survey dated November 2012 and the Confidential badger Survey dated December 2012) and further up to date surveys 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;
- Arrangements to secure the presence of a licensed bat and barn owl worker to be present on site to monitor the demolition of buildings;
- Details of outside lighting; and
- A Parkland Restoration and Management Plan for Sandhill Park.

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

- (y) The development shall provide for bin and cycle storage facilities, details of which shall be submitted to and approved in writing prior to implementation. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (z) Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced. Such schemes shall be implemented in accordance with an approved programme and details and works completed in full before any dwelling hereby permitted is first occupied;
- (aa) Prior to the commencement of the development hereby permitted, details of the proposed Sustainable Drainage Scheme for the site shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the agreed scheme and details shall be fully implemented and completed on site prior to the occupation of any dwelling on the site.
- (bb) No part of the new build development, excluding site works, shall commence until samples of the new roofing materials that shall include roofing slates, ridge and hip tiles have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained as such;
- (cc) Prior to the implementation of any development relating to the conversion of the Mansion and outbuildings, a landscaping scheme for the walled gardens shall first be submitted to, and approved in writing by, the Local Planning Authority. The approved landscaping scheme shall be implemented and completed before any of the units within the Mansion and outbuildings are first occupied and thereafter maintained in accordance with the approved scheme;

- (dd) Before any demolition for which consent is hereby granted is commenced, a detailed record of those parts of the buildings to be demolished, shall be submitted to, and approved in writing by, the Local Planning Authority;
- (ee) Before any demolition is carried out details shall be submitted to, and approved in writing by, the Local Planning Authority of the making good of any existing structure abutting any of those to be demolished. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (ff) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any Order revoking and re-enacting the 1995 Order with or without modification), no solar panels shall be erected, constructed or installed upon any new build dwellings hereby permitted unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (gg) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any Order revoking and re-enacting the 1995 Order with or without modification), no satellite dish shall be erected or installed on any new build dwelling, or within any associated residential curtilage hereby permitted unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority;
- (hh) Other than that required to be carried out as part of an approved scheme of remediation, no development shall commence on either the New Build, Mansion or Parkland areas until conditions (a) to (c) below have been complied with for the relevant development area. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

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

- The collection and interpretation of relevant information to form a conceptual model of the site area, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide

further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

- An assessment of the potential risks to:-
  - Human health,
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Groundwater and surface waters,
  - Ecological systems, and
  - Archaeological sites and ancient monuments.

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

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development within the relevant area. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

Any previously unidentified contamination found whilst undertaking the development must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section (a) and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section (b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

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

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

f) Long Term Monitoring and Maintenance

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

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

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (2) Applicant's attention is drawn to the Listed Building Consent relating to this site, numbered 06/12/0066LB; (3) Applicant's attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations; (4) Applicant's attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site; (5) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (6) Applicant was advised of the following - WILDLIFE AND THE LAW - The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation. BREEDING BIRDS - Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins. BATS - The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places. Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats

be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (7) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800. Saturdays 0800 - 1300. All other times including public holidays - no noisy working. The developer should ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition; (8) Applicant was advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development; (9) Applicant was advised that the submitted Arboricultural Constraints Report identifies off site trees as being potentially affected by the development proposals. You are advised of the need to seek the adjoining landowner's permissions prior to undertaking any works identified within the aforementioned report.)

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

The proposed residential conversion of the Mansion and outbuildings would provide a viable re-use for an important Grade II\* Listed Building, thereby securing the long term future of a heritage asset currently identified as being at risk. The proposals would result in significant enhancement to the Parkland, trees and setting of the Listed Building. Protected species and wildlife would be appropriately mitigated and a favourable conservation status for bats would be maintained. There would be no perceived adverse impacts upon flood risk, highway safety or neighbouring amenity. The proposed development was considered to represent the minimum necessary enabling development. As an enabling development, the scheme was considered to be financially viable and subject to the recommended Section 106 Planning Agreement, the Councils position would be safeguarded. The perceived and actual benefits to the heritage asset and landscape, together with other material considerations were considered to outweigh the conflict with development plan policies that sought to restrict new building residential developments in locations such as this. The proposed development was therefore considered to be acceptable and, accordingly, did not conflict with Policies DM1, CP6 and CP8 of the Taunton Deane Core Strategy, retained Policies EN6 and EN8 of the Taunton Deane Local Plan, Structure Plan Policies 9 and 49 and guidance contained within the National Planning Policy Framework. The proposals also comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 66. Conversion of Mansion House and Orangery following some partial demolition to 18 apartments and conversion of outbuildings to provide 8 apartments and cycle parking in the basement of the Mansion House, Sandhill Park, Bishops Lydeard (as amended) (06/12/0066/LB)**

Reported this application.

**Resolved** that subject to the receipt of a satisfactory amended schedule of repairs, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and if planning permission was granted, the following conditions be imposed:-

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) Dr No SPP.1740.51 Site Location Plan;
  - (A3) Dr No P9688/Rep 021B Existing Basement Floor Plan (Mansion);
  - (A3) Dr No P9688/Rep 022B Existing Ground Floor Plan (Mansion);
  - (A3) Dr No P9668/Rep 023B Existing First Floor Plan (Mansion);
  - (A3) Dr No P9688/Rep 024B Existing Second Floor Plan (Mansion);
  - (A3) Dr No P9688/Rep 025B Existing Roof Plan (Mansion);
  - (A3) Dr No 12/31/ 222 A Proposed Basement Plan (Mansion);
  - (A3) Dr No 12/31/223 A Proposed Ground Floor Plan (Mansion);
  - (A3) Dr No 12/31/224 A Proposed First Floor Plan (Mansion);
  - (A3) Dr No 12/31/225 A Proposed Second Floor Plan (Mansion);
  - (A3) Dr No 12/31/226 B Proposed Roof Plan (Mansion);
  - (A3) Dr No 12/31/227 A Proposed Elevations – Sheet 1 (SE and E elevations of the Mansion. W elevation of Mansion and Orangery);
  - (A3) Dr No 12/31/228 A Proposed Elevations - Sheet 2 (NE elevation of Mansion, SE elevation of ancillary buildings, E elevation of Orangery);
  - (A3) Dr No 07/20/301 Existing Ground Floor Plans- Stable Block and Barn;
  - (A3) Dr No 07/20/303 Existing Elevations Sheet 1-Stable Block and Barn;
  - (A3) Dr No 07/20/304 Existing Elevations Sheet 2-Stable Block and Barn;
  - (A3) Dr No 12/31/311 Proposed Floor Plans-Stable Block and Barn;(A3) Dr No 12/31/313 Proposed Elevations-Sheet 1-Stable Block and Barn;(A3) Dr No 12/31/314 Proposed Elevations-Sheet 1-Stable Block and Barn;
  - (A3) Dr No 12/31/310 Proposed Floor Plans-Orangery and Ancillary Building;
  - (A3) Dr No 12 /31/104 Proposed Demolition Plan;
  - (A1) Dr No Rep 021 B Extent of Fire & Water Damage Basement Plan;
  - (A1) Dr No Rep 022 B Extent of Fire & Water Damage Ground Floor Plan;
  - (A1) Dr No Rep 023 B Extent of Fire & Water Damage First Floor Plan;
  - (A1) Dr No Rep 024 B Extent of Fire & Water Damage Second Floor Plan;
  - (A1) Dr No Rep 025 B Protection Works Roof Plan;

- (A1) Dr No S011 B Post Fire Elevations 1 of 2 (S and E elevations of the Mansion, W elevation of Mansion and Orangery);
  - (A1) Dr No S012 B Post Fire Elevations 2 of 2 (NE elevation of Mansion, SE elevation of ancillary buildings, E elevation of Orangery);
- (c) Only those materials specified in the application shall be used in carrying out the works hereby approved unless otherwise agreed in writing with the Local Planning Authority;
- (d) The roofs of the Mansion shall be recovered using natural slate and lead roll hips and ridges. Prior to reroofing commencing, a sample slate, for the mansion and retained buildings shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved sample being used for reroofing and thereafter so maintained;
- (e) All repairs to the Mansion, shall be carried out strictly in accordance with the approved schedule attached to the S106 Agreement;
- (f) Before any structural works are undertaken precise details of the methods, materials to be employed and areas affected shall be submitted to and approved in writing by the Local Planning Authority, with such approved works being strictly adhered to in the implementation of such works, unless any variation thereto is first approved in writing by the Local Planning Authority;
- (g) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: floors; doors; architraves; skirtings; windows; rooflights; fire and sound separation; venting of recovered roofs; rainwater goods; vent locations and terminal details, for kitchens/ bathrooms/ en-suites; fireplaces; measures to comply with Part L of the Building Regulations; treatment of dry and wet rot; measure to arrest damp; lift and lift enclosure; staircases; en-suites; kitchen fittings for units 5 and 6; finished treatment for all joinery; meter boxes, including locations;
- (h) Before any demolition for which consent is hereby granted is commenced, a detailed record of those parts of the buildings to be demolished shall be submitted to, and approved in writing by, the Local Planning Authority;
- (i) Before any demolition is carried out details shall be submitted to, and approved in writing by, the Local Planning Authority of the making good of any existing structure abutting any of those to be demolished. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (j) Details of a communal satellite dish and/or aerial shall be submitted to, and approved in writing by, the Local Planning Authority prior to

installation and shall thereafter be maintained in accordance with the approved details unless an application for listed building consent is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of listed building consent; (2) Applicant was advised that as the buildings are listed, relaxation of Part L of the Building Regulations may be possible; (3) Applicant's attention is drawn to planning permission 06/08/0010 and the corresponding Section 106 Planning Agreement which relate to this site.)

**Reasons for listed building consent, if granted:-**

It is considered that the proposal was in line with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP8 (Environment) of the Taunton Deane Core Strategy and Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings.

**67. Outline application for the residential development of 44 No dwelling houses, Scout Hut and recreational open space, drainage works and associated access at land to south of Hyde Lane, Creech St Michael (14/12/0043)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to address the provision of:-

- 25% Affordable Housing provision on site;
- Contribution of £110,313 towards primary education;
- Contribution of £110,814 towards secondary education;
- Contribution of £1434 per dwelling towards the provision of outdoor active recreation;
- Contribution of £194 per dwelling for allotments;
- Contribution of £1118 per dwelling towards a community hall facility in Creech St Michael as well as provision of land for a scout hut;
- Contribution of a commuted sum to the value of 1% of development costs or by commissioning and integrating public art into the design of the buildings and the public realm;
- Provision of maintenance of the open space and flood attenuation area;
- A contribution of £44,000 (or £1,000 per plot) for safety improvements along Hyde Lane west of the M5 towards the secondary school; and
- Green Travel Plan measures,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and if



outline planning permission was granted, the following conditions be imposed:-

- (a) Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (c) 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 shall thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (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;
- (e) No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved;
- (f) No development shall commence until a detailed surface water drainage scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be in strict accordance with the principles shown on approved drawing “*Drainage Strategy Plan*”

(prepared by Spring Consultancy and dated 17 April 2013 Ref: 2014/100-D). The development shall subsequently be implemented and maintained in accordance with the details of the approved scheme;

- (g) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife, incorporating a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice Michael Woods Associate's Ecological survey dated November 2012 and any up to date surveys and include:-

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
3. 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;

- (h) Notwithstanding the plans submitted prior to the commencement of development, details of the proposed lighting for the development including details of foundations shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing;

- (i) No more than 44 dwellings shall be constructed on the site;

- (j) Oil interceptor traps shall be provided to any parking courts;

- (k) There shall be no obstruction to visibility greater than 300 mm 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 25m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;

- (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 be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed during construction and thereafter be maintained at all times;

- (m) The proposed roads, 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

carriageway and footpath to at least base course level between the dwelling and existing highway;

- (n) None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority, including an appropriate treatment of connection with footpath T10/26 near the Hyde Lane junction;
- (o) The applicant shall ensure that all vehicles leaving the site are in such condition as not to deposit mud, slurry or other debris on the highway. In particular means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been submitted to, and agreed in writing by, the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained until the construction at the site discontinues;
- (p) There shall be an area of hard standing at least 6 m 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;
- (q) A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.

(Notes to applicant:- (a) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (3) Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Taunton Deane Area Highways Office. Application for such a permit should be made at least four weeks before access works are intended to commence. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). The road should be built and maintained to the standards that the Highway Authority is able to adopt. The Highway Authority encourages developers to enter into an Agreement under Section 38 of the Highways Act as an

alternative to the deposit of money required by section 219. Such an Agreement will be based on approved drawings and be supported by a Bond to cover the due performance of the works. Further information can be obtained from the Estate Roads Team at Somerset County Council. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway. Section 50 NRSWA 1991 (Sewer connections) - Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from the Highway Authority's Streetworks Co-ordinator; (4) Applicant was advised that bungalows should be utilised on the southern part of the site to lessen the landscape impact.)

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

The proposed development of up to 44 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the open character of the area. As such the proposal was in accordance with the provisions of Policies SD1 and SP1 of the Core Strategy. The adverse impacts of the development did not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Policies CP4 (Housing) and DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy C4 of the Local Plan.

**68. Erection of 55 dwellings, provision of school car park, vehicular access, public open space and associated works on land to the north of Primary School, Hyde Lane, Creech St Michael (14/13/0006)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to address the provision of:-

- 25% Affordable Housing provision on site;
- Contribution of £138,827 towards primary education;
- Contribution of £147,752 towards secondary education;
- Contribution of £2,644 per 2 bed+ dwelling for children's play provision;
- Contribution of £1,434 per dwelling towards the provision of outdoor active recreation;
- Contribution of £194 per dwelling for allotments;
- Contribution of £1,118 per dwelling towards a community hall facility in Creech St Michael;
- Provision of maintenance of the open space and flood attenuation

area;

- A contribution of £55,000 (or £1,000 per plot) for safety improvements along Hyde Lane west of the M5 towards the secondary school; and
- Green Travel Plan measures,

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

### **Conditions**

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

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

- (A3) DrNo P341-WD5 Rev G Elevations;
- (A3) DrNo P341-WD5 Rev J Floor Plans;
- (A1) DrNo 1128-105 Rev B Layout Indication Public Open Space;
- (A1) DrNo 1128-103 Rev B Facing Material Layout;
- (A1) DrNo 1128-100 Rev B Planning Layout;
- (A1) DrNo 1128-106 Rev B Boundary Treatment;
- (A1) DrNo 1128-104 Rev B Affordable Housing Detail;
- (A1) DrNo 1128-102 Rev B Storey Heights;
- (A0) DrNo BIR 4180\_06A Detailed Soft Landscape Proposals;
- (A2) DrNo D21 39 P5 Tree Protection Plan;
- (A3) DrNo FMW0979 - SK01 REV B Junction Access Arrangement with Speed Table;
- (A1) DrNo 12108 - SK7 Rev A Storm Balancing Pond Cross Sections;
- (A1) DrNo 12108 - SK3 Rev A Preliminary Planning Levels;
- (A1) DrNo 12108 - SK4 Rev B Storm Foul Drainage Strategy;
- (A1) DrNo 12108 - SK6 Rev A Storm Balancing Pond Layout;
- (A3) DrNo 1128-101 Location Plan;
- (A1) DrNo 1128-PL-107 Site Sections to Illustrate General Topography;
- (A1) DrNo 1128-STE-01 Street Elevations;
- (A3) DrNo SD14-003 Standard Gate 3;
- (A3) DrNo SD14-010 1200 Ranch Style Fence;
- (A3) DrNo SD14-011 1800 Brick Pier Wall;
- (A3) DrNo SD14-015 1800 Close Boarded Timber Fence;
- (A3) DrNo SD14-016 1800 Privacy Gate Detail;
- (A3) DrNo SD14-017 1200 & 1800 Larch Lap Fence;
- (A3) DrNo H406 BAY---5 Planning 1 of 2 Elevations;
- (A3) DrNo H406 BAY---5 Planning 2 of 2 Plans;
- (A3) DrNo H469--X5 Planning 1 of 2 Elevations;
- (A3) DrNo H469--X5 Planning 2 of 2 Plans;
- (A3) DrNo H500---5 Planning 1 of 2 Elevations;

- (A3) DrNo H500---5 Planning 2 of 2 Plans;
- (A3) DrNo H536---5 Planning 1 of 2 Elevations;
- (A3) DrNo H536---5 Planning 2 of 2 Plans;
- (A3) DrNo P341-D-5 Planning 1 of 2 Elevations;
- (A3) DrNo P341-D-5 Planning 2 of 2 Plans;
- (A3) DrNo P230--D5 Planning 1 of 2 Elevations;
- (A3) DrNo P230--D5 Planning 2 of 2 Plans;
- (A3) DrNo P230---5 Planning 1 of 2 Elevations;
- (A3) DrNo P230---5 Planning 2 of 2 Plans;
- (A3) DrNo SH18---5 Elevations;
- (A3) DrNo SH18---5 Plans;
- (A3) DrNo SH37---5 Elevations;
- (A3) DrNo SH37---5 Plans;
- (A3) DrNo SH45---5 Elevations;
- (A3) DrNo SH45---5 Plans;
- (A3) DrNo G101 Garages 1 of 5;
- (A3) DrNo G102 - plot 55 only Garages 2 of 5;
- (A3) DrNo G201 Garages 3 of 5;
- (A3) DrNo G202 Garages 4 of 5;
- (A3) DrNo G203 Garages 5 of 5;

- (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) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development. (ii) For a period of five years after the completion of the 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;
- (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 position and design of the boundary fencing to the eastern boundary with West View. The agreed boundary treatment shall be completed before construction is commenced 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;
- (f) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 25m either side of the access. Such

visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;

- (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed during construction and thereafter be maintained at all times;
- (h) The proposed roads, 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 carriageway and footpath to at least base course level between the dwelling and existing highway;
- (i) None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with the submitted plan unless otherwise approved in writing by the Local Planning Authority;
- (j) The applicant shall ensure that all vehicles leaving the site are in such condition as not to deposit mud, slurry or other debris on the highway. In particular means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been submitted to, and agreed in writing by, the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained until the construction at the site discontinues;
- (k) There shall be an area of hard standing at least 6 m 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;
- (l) No work shall commence on the development hereby permitted until details of the traffic calming shown on drawing no FMW0979-SK01B have been submitted to, and approved in writing by, the Local Planning Authority. Such traffic calming shall then be fully constructed in accordance with the approved plan/details to an agreed specification before the development is first brought into use. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works;
- (m) The school car parking area shown on the submitted plan shall be marked out in a manner to be agreed in writing by the Local Planning Authority prior to car park being brought into use. The parking area and access shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles in connection with the school use.

(Notes to applicant: - (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the

Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (2) Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Taunton Deane Area Highways Office. Application for such a permit should be made at least four weeks before access works are intended to commence. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code. The road should be built and maintained to the standards that the Highway Authority is able to adopt. The Highway Authority encourages developers to enter into an Agreement under Section 38 of the Highways Act as an alternative to the deposit of money required by section 219. Such an Agreement will be based on approved drawings and be supported by a Bond to cover the due performance of the works; (3) Section 50 NRSWA 1991 (Sewer connections) - Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from the County Council's Streetworks Co-ordinator. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway).

**Reason for planning permission if granted:-**

The proposed development of 55 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the character of the area. The access was considered suitable to serve the site and as such the proposal was in accordance with the provisions of Policies SD1, SP1 and DM1 of the Core Strategy. The adverse impacts of the development did not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal was considered not to have a detrimental impact upon visual or residential amenity or on flood risk and was therefore considered acceptable and, accordingly, did not conflict with Policies CP4 (Housing), CP8 (Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy C4 of the Local Plan.

**69. Outline application for the erection of up to 71 dwellings with associated access and infrastructure on land off Burges Lane, Wiveliscombe (49/13/0015)**

Reported this application.



**Resolved** that subject to the applicant entering into a Section 106 Agreement to secure the following:-

- (i) Affordable Housing – Provision of 25% of the dwellings for affordable housing, of which 60% social rent; 40% intermediate;
- (ii) Education – payment of £184,690 to expand pupil capacity at Kingsmead School. Payment of £171,598 to expand pupil capacity at Wiveliscombe Primary School. Contributions should be given pro-rata per dwelling in the event that a different final number of dwellings was proposed;
- (iii) Children’s play – provision of additional equipment on adjoining permitted children’s play area and laying out of the area previously shown for allotment provision as public open space;
- (iv) Provision of 1850 sq.m. allotments on land to the north-east of the site, including access and parking facilities;
- (v) Payment of £1,118 per dwelling towards improving community hall facilities in Wiveliscombe;
- (vi) Payment of £1,454 towards improving active outdoor recreation contributions in Wiveliscombe;
- (vii) Travel Plan – Implementation of an agreed (pre-completion of the agreement) travel plan, if a suitable condition cannot be agreed,

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

- (a) Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A3) DrNo 13115/1030A Location Plan;
  - (A3) DrNo 13115/4010A Access and Movement Parameter Plan;
  - (A1) DrNo 2016/130 New Highway Link;
- (c) No work shall commence on the development hereby permitted until the link road shown in Drawing No.2016/130 has been provided in accordance with further details that have been submitted to, and approved in writing by, the Local Planning Authority beforehand;

- (d) Prior to the commencement of the development hereby permitted a surface water drainage scheme for the site, based on sustainable drainage principles, together with a timetable for its implementation and details of how the scheme shall be maintained and managed after completion shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and agreed timetable;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ruskins submitted report, dated December 2012 and include:-
- Further survey work to ensure that dormice are not present in the hedge boundaries;
  - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of 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.
  - Confirmation of the appointment of a suitably qualified Ecological clerk of works; and
  - A Landscape and Ecological Management Plan.
- 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 development shall not be occupied until the scheme for the maintenance and provision of the new bat tubes, accesses and boxes; and bird boxes and related accesses has been implemented;
- (f) The details for layout submitted pursuant to condition (a) shall include a pedestrian/cycle linkage(s) between the site and the play area on the adjoining site to the west. The linkage shall be provided prior to the occupation of the 20<sup>th</sup> dwelling hereby permitted and shall thereafter be maintained as such;
- (g) The proposed estate roads, footways, footpaths, tactile paving, cycleway, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The Agreed details shall be implemented

such that each dwelling shall be accessed by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway prior to its occupation;

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

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

The proposed development would provide additional housing in Wiveliscombe, which had been identified for the development of up to 200 additional dwellings in Policy SP1 (Sustainable Development Locations) of the Taunton Deane Core Strategy. Subject to the proposed highway works, the development would not adversely impact upon the highway network nor wildlife interests. The information submitted indicated that a development could be provided that integrates well into the local area, and respected the existing townscape and landscape setting of the site. It would provide acceptable mitigation for the impact on community infrastructure facilities and would provide adequate recreation and children's play facilities for the future residents of the site. It therefore, accorded with Policies CP6 (Transport and Accessibility), CP7 (Infrastructure), CP8 (Environment - insofar as it related to wildlife, landscape and flood risk matters) of the Taunton Deane Core Strategy. Accordingly, it was considered to be sustainable development and any adverse impacts could not be seen to significantly and demonstrably outweigh the benefits arising from the development. It was considered that this outweighed the conflict with Policy CP8 of the Taunton Deane Core Strategy (insofar as it related to development outside the settlement boundaries) making the development acceptable, in accordance with Policies SD1 (Presumption in Favour of Sustainable Development) and the National Planning Policy Framework taken as a whole.

**70. E/0004/38/13 – Unauthorised security shutter and illuminated fascia sign at 60 Bridge Street, Taunton**

Reported that it had come to the attention of the Council that an external security shutter and illumination to the fascia sign together with the two signs attached to the shop front at 60 Bridge Street, Taunton had been erected without the necessary planning or advertisement consents.

The site was in Bridge Street which was the main road that led into the town centre and was north of the River Tone. The premises were a three storey brick building with the shop at ground level and residential use above. The rear access led onto Black Horse Lane.

The owner had been advised that planning permission and advertisement consent was required to retain the security shutter and the signs. Although applications were submitted, they did not contain all the relevant documents in order to register them as valid applications. They had since been returned as they were not capable of being determined.

**Resolved** that:-

- (1) Enforcement action be authorised to secure the removal of the unauthorised security shutter at 60 Bridge Street, Taunton;
- (2) Any enforcement notice served should have a six week compliance period;
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with; and
- (4) The Solicitor to the Council be also authorised to take prosecution action with regard to the unauthorised illumination of the fascia sign, together with the two signs attached to the shop front at the same premises.

**71. E/0016/42/13 - Unauthorised use of annexe at Comeytrowe Manor West, Lipe Hill Lane, Comeytrowe**

Reported that it had come to the attention of the Council that “Bakers Cottage” at Comeytrowe Manor West, Lipe Hill Lane, Comeytrowe was being used as a separate unit of accommodation by non family members and not as an annexe to the main dwelling.

Without planning permission the use of Bakers Cottage could only be as an annexe to Comeytrowe Manor West and used as ancillary accommodation with that property.

The relationship between the two structures was a close one with overlooking of the private courtyard between the buildings and the use of the annexe building as a separate dwelling was therefore not considered appropriate due to the privacy and amenity issues that resulted from the closeness.

Without evidence to show the building had been let separately for four years or more, a use of the building as a separate dwelling was not considered acceptable given the character of the listed property and its historic relationship and enforcement action to prevent subdivision was considered appropriate.

**Resolved** that:-

- (1) Enforcement action be authorised to stop the unauthorised use of Bakers Cottage at Comeytrowe Manor West, Lipe Hill Lane, Comeytrowe being used as a separate unit of accommodation;

- (2) Any enforcement notice served should have a six month compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

## **72. Appeals**

Reported that two new appeals had been received since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 9.30 pm.)

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Coles, A Wedderkopp and D Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

**ERECTION OF AN AGRICULTURAL WORKERS DWELLING TO REPLACE MOBILE HOME AND ERECTION OF A PLANT STORE, GRADING, PACKING AND SEED STORE AT GERBESTONE MANOR FARM, GERBESTONE LANE, WEST BUCKLAND (AS AMENDED)**

Grid Reference: 316648.119558

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The application demonstrates that there is an essential need for a rural worker to live permanently at the site in accordance with paragraph 55 of the National Planning Policy Framework. The dwelling house is considered to meet this need and is supported. Virtue of its design, scale and siting the proposed development is not considered to adversely effect visual amenity or landscape character within the area. The proposal is therefore in accordance with Policy CP8 (Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained within the National Planning Policy Framework.

**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 13/40 Proposed Site Layout Plan  
(A1) DrNo 13/41A Plans and Elevations as Proposed  
(A1) DrNo 13/42B Plans and Elevations as Proposed  
(A3) DrNo 13/50 Proposed Site Location

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

3. (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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

- 4. Prior to their application details/samples of the materials to be used in the construction of the external surfaces and roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above,.

Reason: To ensure that the dwelling does not detract from the character and appearance of the landscape in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

- 5. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture, horticulture or in forestry, or a widow or widower of such a person, and to any resident dependant's.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need in accordance with paragraph 55 of the National Planning Policy Framework.

- 6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or other alteration to the dwelling house hereby permitted without the further grant of planning permission.

Reason: To ensure that the proposed development continues to meet the requirements of Paragraph 55 of the National Planning Policy Framework in satisfying a recognised need whilst ensuring the dwelling house remains of a size commensurate with the needs of the farm holding, remaining viable financially and capable of being supported by a rural worker.

- 7. The plant, machinery, sampling and grading store hereby permitted shall be used solely for agricultural purposes in association with the free range chicken



unit at Gerbestone Manor Farm, and shall not at anytime provide habitable residential accommodation without the further grant of planning permission.

Reason: In order to prevent further residential accommodation from being provided within open countryside where planning policy strictly controls such uses, in accordance with Policies DM1, CP4 and SP1 of the Taunton Deane Core Strategy and Paragraph 55 of the National Planning Policy Framework.

8. The access, driveway and areas for parking and turning shall be hard surfaced before the dwelling is first occupied. It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of Gerbestone Manor Farm.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees being 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 BS5837:2005. Such fencing shall be erected prior to 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.

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 Core Strategy Policy CP8 and retained Local Plan Policy EN6.

10. 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.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Core Strategy Policy CP8 and retained Taunton Deane Local Plan Policies EN6.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

2. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

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

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
5. You are advised of the need to obtain the Environment Agency's Consent to Discharge to an underground strata in association with the proposed septic tank.
6. The protective fencing referred to at Condition 09 of this permission should be as specified at Chapter 9 and detailed in figure 2 and 3 of BS5837:2005.

## **PROPOSAL**

The application, as amended, seeks planning permission for the erection of an agricultural workers dwelling and a detached plant, grading, packing and seed store at Gerbestone Manor Farm, West Buckland.

The proposed dwelling will provide a porch, entrance hall, lounge, kitchen dining, utility, shower room, dedicated farm office and double garage at ground floor level. At first floor level the dwelling will provide for three bedrooms and two bathrooms. Excluding the dedicated farm office and double garage the dwelling will provide for approximately 182 square metres of habitable floor space. The building will measure 6.4m to ridge and 3.8m to eaves. The building will have a maximum depth and

breadth of 11.5m and 22.4m respectively. The building would be finished in painted render, recon stone quoins, cills and lintels, uPVC fenestration and interlocking concrete tiles.

The proposed storage building, which will serve an ancillary function to the egg production operation, will provide a plant and machinery store with grading and packing room, WC and utility at ground floor with a grain store and store with WC above. The building will measure 7.6m by 10.3m with height to eaves and ridge of 4.0m and 7.4m respectively. The building will be of rendered walls, uPVC fenestration and concrete roof tiles. It will have 32 solar photovoltaic panels installed to both roof planes.

The application is supported by an agricultural appraisal, which covers the financial and functional need elements of the existing egg production business. An Arboricultural report is also provided, which makes recommendations with regard to trees on site and the potential impact of the new buildings and accesses. Protection and mitigation is provided and a recommendation that further survey work be undertaken if the works proceed.

## **SITE DESCRIPTION AND HISTORY**

The application site is located to the South of an existing 16000 bird egg production unit at Gerbestone Manor Farm. The poultry and laying houses are to the North on lower ground and comprise a linear timber clad building. The application site slopes away to the North and contains a number of mature trees and is bound by mature hedgerows. Access to the site is via a widened and surfaced field gate in the corner of the field to the north with a driveway and parking/turning area laid with loose stone.

Application 43/09/0023 sought planning permission for the erection of the egg production building and the siting of the mobile home. There was deficient information regarding some aspects of the egg-production building and insufficient justification for the dwelling so the application was withdrawn.

Application 43/09/0030 granted planning permission for the egg production building and that permission is currently being implemented.

Planning permission was granted for a temporary mobile home under LPA reference 46/10/0011.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The site is located along Gerbestone Road a designated classified unnumbered highway to which the National Speed Limit applies.

In detail, the application seeks to replace the existing agricultural workers dwelling and the change of use of land from agricultural to domestic. West Buckland has been identified as a 'Zone C' for parking provision therefore the Somerset County Council - Parking Strategy (adopted March 2012) states the following requirement for Zone C parking provision:-

### 5.3 The standards for residential development (ZONE C)

Zone	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
C - Green	2 car space	2.5 car space	3 car spaces	3.5 car spaces

Drawing No. 13/40 details that the proposed replacement dwelling and site layout. Whilst the parking is not delineated on the site plan, it is considered that the optimum standards set out in the Somerset County Council - Parking Strategy are easily achievable within the site.

As a result, the Highway Authority raises no objection to this proposal subject to the following conditions:-

The area allocated for parking and turning on the submitted plan, Drawing Number 13/40 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

*WEST BUCKLAND PARISH COUNCIL* - The Council are concerned about the size of the dwelling and its close proximity to trees. The Parish Council would like the tree officer to consider whether any of these are worth protecting with a TPO.

*LANDSCAPE* - It is not clear if the recommendations of the Arboricultural report have been accounted for in amending the layout and position of the dwelling. My concerns are that the dwelling is large and will have an impact on existing trees. A detailed landscape scheme will be required if approved. A grey slate roof would help to soften the impact of the buildings.

*WESSEX WATER* - No comment.

*DRAINAGE ENGINEER* - Soakaways should be conditioned. Percolation tests required for the septic tank drainage. Environment Agency's consent to discharge required.

### **Representations**

5 letters of objection received from local residents raising the following planning related observations:

- No objection to replacing the existing mobile home but object to a luxurious five bed home; this is over the top for a farm worker;
- Why does the plant store building resemble a three bedroom house?
- Why the need for a grading facility when each hen house has this facility integrally within? This could be for a further three bedroom house.
- This is a transparent and cynical scheme with a massive visual impact;
- The executive home is far larger than any existing dwelling in the surrounding area;
- There is no reason why the mobile home cannot be replaced by a bungalow

with slate roof to minimise the visual impact and is ample for a farm worker and family;

- Severe concern that approval here would open the door for future housing development;
- Request conditions to prevent further residential development, conversion of the grain store and to improve drainage;
- With the margins of free range poultry being in the doldrums this is not the time to invest in high cost extras;
- A change of use was approved at “Manley” where the free range business failed;
- Farm workers deserve reward and work hard but with a five bedroom mansion?
- The site was recently being used for landfill;
- Light pollution will be an issue.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DM2 - TD CORE STRATEGY - DEV,

CP1 - TD CORE STRAT. CLIMATE CHANGE,

CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,

CP8 - CP 8 ENVIRONMENT,

NPPF - National Planning Policy Framework,

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)      £1079

Somerset County Council (Upper Tier Authority)      £270

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)      £6474

Somerset County Council (Upper Tier Authority)      £1619

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is located within open countryside where planning policy seeks to strictly control new residential developments unless there is a proven need for a worker to be present on site. In this regard the pertinent issues to consider are the principle of the development together with the siting, design and impact of the proposals upon visual amenity and landscape character.

### Principle

Paragraph 55 of the National Planning Policy Framework states that new dwellings in the countryside may be acceptable where there is an essential need for a rural

worker to live permanently at or near their place of work. The Council has now agreed to use guidance contained within Annex A to the former Planning Policy Statement 7 as the methodology for assessing proposals such as this. Therefore based upon this guidance it must be demonstrated that there is a functional need for a full time worker, that the agricultural business is profitable and that no other dwellings nearby could not fulfil the need.

#### Functional need:

The business currently employs one full time farm manager, two full time and two part time farm hands who undertake general farm related duties. Since the temporary dwelling was approved, the business has continued to expand and it now employs more staff members than in 2010. Notwithstanding, the agricultural appraisal concludes that the farm generates the requirement for 3.41 standard man days.

In 2010 the Council accepted that the scale of operations at Gerbestone Manor Farm satisfied the functional test for a worker to be resident on the site. Whilst automated systems are in place at the farm, there are certain animal welfare factors that systems cannot monitor. These include incidents of feather pecking, suffocation and predator attacks. It is for these reasons, together with the general functional need of the holding that the functional need of the farm is accepted as requiring continual on site presence and a dwelling at the farm would satisfy such a need. The proposed site is within sight and sound of the main poultry house and is appropriate in this context.

#### Business viability:

The application is supported by a summary of the most recent three year accounts. A significant financial investment has been made in order to establish the egg laying business and there are plans in place to further expand the business beyond the existing flock of 16000 laying hens.

Notwithstanding the absence of full accounts, the business accountant has submitted evidence that demonstrates the business to have been profitable for the last three years. There was a drop in profits over the period of 2012-13 when compared to that made in 2011-12, however such is believed to relate to a significant increase in the cost of feed.

It is accepted that the business is operated on a sound financial basis and that the business is operating at a relatively high level of profitability. The proposed dwelling is relatively large however it is accepted that based upon the financial evidence provided, the business is capable of supporting a dwelling such as that proposed and therefore it is in part commensurate to the needs of the holding.

#### Other dwellings:

No evidence has been submitted setting out whether or not there are any other dwellings within the locality that could serve the need of the business. Notwithstanding this matter, it is accepted that the functional test for on site presence is satisfied in this instance, and therefore even if there was an appropriate dwelling within a couple of miles it may not serve the needs of the agricultural business.

## Scale, design, siting and landscape impact

The application has been amended following receipt of amended plans and now comprises a three bedroom dwelling house with attached double garage and integral farm office. The original proposals attracted local objection virtue of the scale and design, which was considered to be overly grandiose and palatial for an agricultural workers dwelling.

As a result of concerns, the applicant has reduced the degree of accommodation proposed, from 236 sq metres down to 180 sq metres. The design of the dwelling remains largely unaltered except for the removal of the first floor element above the proposed garage. Following re-consultation no further comments have been received from local residents or the Parish Council.

At 182 sq metres of floor space, the proposed dwelling remains at the upper element of what is generally viewed as being suitable for agricultural worker accommodation. Notwithstanding, the applicants have stressed that the dwelling is to be occupied by an executive farm manager and dependents thereof. It has therefore been stressed to the Council that the dwelling should be suitable for such an employee.

Whilst this issue is accepted to a degree, the dwelling will serve as an agricultural dwelling, required due to the functional needs of the farming enterprise. At 182 sq metres and with three bedrooms, the scale of the dwelling is considered to be appropriate and commensurate to the needs of the holding, which remained highly profitable at the end of the last financial year and capable of supporting such an investment.

The design is slightly grandiose; however it will be finished in rendered walls with concrete roof tiles and uPVC fenestration which are not the most expensive materials for construction purposes. Materials will be agreed by condition to ensure that appropriate specifications are utilised. It was requested that the rear balcony and internal first floor gallery be omitted, as such is seen to be unnecessary for an agricultural workers dwelling. Despite being amended, these elements have been retained. On balance, it is considered that these design issues are not so unnecessary as to warrant the refusal of planning permission.

Speculation has been made with regard to the machinery store, its need and its future use. At present there is no main storage building at the farm site, which comprises open yard areas and the main poultry housing. It is therefore considered to be reasonable to allow a degree of storage. Having the machinery store sited adjacent to the proposed dwelling will bring about security benefits to the holding, with rural theft being on the rise this is considered a sensible option. The first floor grading and store area will allow for sampling and some grading taking place outside the poultry housing. Whilst the building is not of a design that is reasonably necessary for agriculture, it will allow an assimilation to be achieved between the dwelling and the ancillary building. The scale has been reduced with the ridge line being lowered and notwithstanding the above, this building does not give major cause for concern as any future re-use can be controlled in line with planning policy.

In landscape terms, the Council's Landscape Officer has suggested that a landscaping scheme be agreed by condition to limit any adverse visual impact. The building will be set amongst mature trees and away from the roadside boundary. The area is relatively well screened by existing vegetation and despite the scale of both

the dwelling and storage building, the proposals are not considered to result in significant adverse harm to the character or appearance of the surrounding landscape.

There are trees within the site and the proposed buildings will partially affect root protection zones. Notwithstanding, the submitted Arboricultural report makes a number of recommendations for mitigation and tree improvement works and overall, the proposed development is not considered to significantly adversely affect the health of these trees. To substantiate a reason for refusal in this regard without the support of the Councils Landscape Officer would also be difficult. Trees within the site are being assessed for their landscape amenity value at present.

### Conclusions

It is accepted that the business at Gerbestone Manor Farm functionally requires the presence of at least one full time worker at the site and that the business is financially stable and viable in the longer term. The proposals therefore satisfy the requirements of Para 55 of the NPPF and guidance contained within Annexe A of the former PPS7 policy document.

The scale, design and siting of the proposed buildings is such that will not result in an adverse impact upon the character or appearance of the surrounding landscape and it is considered to be commensurate with the needs and viability of the farm business. The proposal will make use of the existing access and track which is considered to be acceptable in terms of highway safety. No landscaping plans are proposed and so should be secured by way of condition.

For the above reasons it is recommended that planning permission be granted, subject to conditions.

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

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



24/13/0024/LB

MR C BOUCHER

**ERECTION OF STORM PORCH TO REAR OF MANOR COURT FARM,  
HUNTHAM, NORTH CURRY**

Grid Reference: 333690.125835

Listed Building Consent: Works

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

The proposed extension, by reason of its design and location, would disrupt the appearance and harm the significance of the listed building and is contrary to policy CP8 of Taunton Deane Core Strategy, and guidance in Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings. It therefore fails to preserve the listed building and conflicts with the duty outlined at Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

**PROPOSAL**

It is proposed to erect a storm porch extension to a traditional stone and tile roofed open-fronted wagon shed that was converted to a dwelling in 2003. The extension would be on the southern end of the dwelling where the original large wagon shed opening has been filled in with recessed glass and timber cladding.

**SITE DESCRIPTION AND HISTORY**

The building was converted to a dwelling in 2003 (24/02/0006 and 24/02/0010/LB) and is now known as Manor Court Farm. Under Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Manor Court Farm is listed by virtue of being within the curtilage of the grade II listed building known Higher Huntham Farmhouse and is afforded the same statutory protection. In the terms of the National Planning Policy Framework it is regarded as a designated heritage asset. In addition to Higher Huntham Farmhouse, the barn immediately north-east of Manor

Court Farm is also listed in its own right.

A proposed conservatory was the subject of a pre-application consultation and the applicant was advised that the scheme would not be supported at officer level as it would 'be at variance to the historic form of the building by providing a projection in front of the cart shed and in so doing, debase the ready interpretation of the building's former use'. An application was subsequently made for the conservatory in 2012 (24/12/0044/LB) and was refused at planning committee on 12 December 2012. The current proposal for a storm porch is essentially the same as previously refused but the structure now proposed is slightly larger and has minor design changes.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

*NORTH CURRY PARISH COUNCIL* - Consider that the amended design of the proposed conservatory is sympathetic to the current building, would improve weatherproofing of an exposed wall, and does not impact on surrounding properties.

### **Representations**

Four letters of SUPPORT have been received.

Three of these letters are identical and state: 'I have no objection and can see no valid reason, for the refusal of a storm porch at Manor Court Farm, Huntham, North Curry'.

The other letter of support raises the following points:

- The proposal will create much needed protection from the wind and rain.
- It would add practical and aesthetic enhancements to the barn conversion generally.
- It is impractical to cover the existing patio doors with tarpaulin when the weather gets really bad.

## **PLANNING POLICIES**

CP8 - CP 8 ENVIRONMENT,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
NPPF - National Planning Policy Framework,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The principal issues are the same as the application (24/12/0044/LB) refused by the planning committee in December 2012.

The proposed storm porch represents a prominent addition to the formerly open

south elevation of this historic farm building. The current guidance from English Heritage set out in *Conversion of Traditional Farm Buildings: a guide to good practice* states that: 'Overtly domestic extensions such as porches and usually conservatories are alien in character and can rarely work successfully within the context of historic farm buildings'.

The suitability of such additions to former farm buildings was tested at appeal in 2007 (APP/D3315/E/07/2039500) by the similar structure proposed to Lower Fyfett Barn, Otterford. The Inspector deemed that the conservatory would erode the character of the curtilage listed barn and detract from the setting of the listed farmhouse. The appeal was dismissed on these grounds.

In this instance, the proposed porch would visually disrupt the simple agricultural form of the former wagon shed by introducing an alien feature to the building. This would be exacerbated by the fact that this elevation was formerly open and, while permission was granted to close this end off as part of the approved conversion scheme in 2003, a further addition here would, as the applicant was advised at a pre-application stage, be at variance to the historic form of the building and debase the ready interpretation of the building's former use. It would also diminish the positive contribution this building makes to the setting of the associated listed buildings to the north.

Although the former wagon shed is in an exposed position, I do not regard the applicant's justification that the porch is required as protection against storm damage as outweighing the negative impact of the proposed addition. Improvements to the existing doors could surely achieve the same result and, in any event, the proposed structure is clearly of a size well in excess of what might be described as a porch and its footprint is slightly larger than the conservatory refused by the planning committee in 2012.

The minor changes to the design of the proposed porch from application 24/12/0044/LB are the treatment of the windows and the introduction of stone piers. These slight differences do not alter the unacceptability of the proposed structure and the negative impact it would have on the character and appearance of this curtilage listed building and its setting.

I consider that the proposed porch would conflict with English Heritage guidance on traditional farm buildings and CP8 of Taunton Deane Core Strategy. In terms of Section 12 of the National Planning Policy Framework, the conservatory would harm the designated asset's significance and, in accordance with Paragraph 134, this harm is not outweighed by the public benefits of the proposal. It fails to preserve the character and appearance of this listed building and its setting and, in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is strongly recommended that listed building consent is refused.

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

**CONTACT OFFICER: Mr N Pratt Tel: 01823 356492**

**E/0055/06/13**

**CARAVAN AND MOBILE HOME ON SITE AFTER EXPIRY OF TEMPORARY PLANNING PERMISSION AT MILL FIELD, MINEHEAD ROAD, BISHOPS LYDEARD**

**OCCUPIER:**

**OWNER:** DR T WOODGATE-JONES  
COMBE FARMHOUSE, COMBE DAVEY, BROMPTON RALPH  
TA4 2RY

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the residential use of the mobile home to cease and for the removal of the touring caravan.

**RECOMMENDATION**

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice has not been complied with.

The Enforcement Notice shall require -

- the cessation of residential use of the mobile home
- the removal from the land of the touring caravan

Time for compliance - 3 months

**REASONS FOR SERVING NOTICE:**

It is considered that there is no clearly established existing functional need for a worker to be readily available at most times and that the limited need does not relate to a full-time worker. The Local Planning Authority are also concerned about the future financial viability of the enterprise. It is, therefore, considered that there is no essential need for a rural worker to live permanently at the site in accordance with paragraph 55 of the National Planning Policy Framework and consequently the proposal represents an unjustified dwelling outside the defined settlement limits, the cumulative impact of which would lead to unplanned sporadic extension of settlements, detrimental to the character and appearance of the countryside and collectively increasing the need to travel by private car in order to access day to day services. The proposals would, therefore, be contrary to Policies SP1 (Sustainable Development Locations), CP8 (Environment) and DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

**SITE DESCRIPTION**

The site comprises agricultural land, on the edge of the village of Bishops Lydeard. The land is currently accessed via a field gate from Minehead Road, adjacent to the neighbouring property. The land slopes down from Minehead Road to the west down to a stream on the east side of the field. The applicants land ownership

continues on the opposite side of the field. The site is bordered by hedges and a number of mature trees to the north, east and west. There is a weaker boundary of trees to the south, where the site borders a neighbouring dwelling. This dwelling has windows overlooking the site.

## **BACKGROUND**

An enforcement notice was served on 29 January 2008 for the unauthorised change of use of land known as Mill Field, Minehead Road, Bishops Lydeard for the stationing of an agricultural worker's mobile home. The notice was appealed but the Inspector dismissed the appeal. A Planning application was submitted during the appeal period for temporary permission for the change of use for mobile home for game bird rearing and pheasant rearing. The application was approved on 12 May 2009 with a condition restricting the permission to a 3 year period. A further application was submitted for a permanent agricultural worker's dwelling but was refused on 19 October 2012. The owner has been contacted reminding him that the use of the mobile home should cease and the additional touring caravan be removed. An amended application for the permanent dwelling was promised but to date nothing has been received and the mobile home and caravan continue to be in use.

## **DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The mobile home has been continually occupied since being brought to site. An additional touring caravan was sited adjacent to the mobile home about 18 months ago as it was understood the roof of the mobile home leaked and the touring van is used as a bedroom. Permission to use the mobile home in connection with the rearing of birds expired on 12 May 2012 and to date no renewal of that application has been received.

## **RELEVANT PLANNING HISTORY**

06/06/0029 - use of land for pheasant rearing and siting of an agricultural worker's mobile home. Refused and appeal dismissed.

06/08/0057 - change of use for mobile home for game bird rearing and pheasant rearing temporary approval 12.05.2009

06/12/0038 - Permanent agricultural workers dwelling - refused 19.10.2012

## **RELEVANT PLANNING POLICES**

National Policy, Guidance or Legislation

NPPF - Paragraph 207

Taunton Deane Local Core Strategy 2011 - 2028

DM1 – General Requirements

DM2 – Development in the Countryside

SP1 – Sustainable Development Locations

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is located adjacent to, but outside the settlement limit for Bishops Lydeard. There is, therefore, a presumption against granting planning permission in accordance with Policy CP8 of the Taunton Deane Core Strategy which seeks to control development outside settlement limits.

There is a reasonably long established pheasant rearing operation on the site, which was considered to justify a temporary agricultural worker's dwelling in 2009 in order to allow the business to expand. At the end of this temporary period (3 years), an application was submitted for a permanent dwelling however it was considered that there was no longer a functional need for the dwelling – evidence of activities over the preceding few years indicated that the work was not full time and could not be considered to require an on site presence 'at most times.

There has been no change to this situation since the refusal of that application in October 2012 and, therefore, the caravan that is currently on site is not justified by the agricultural need. It, therefore, represents unjustified development in the open countryside, contrary to Policy 55 of the National Planning Policy Framework and Policy DM2 of the Taunton Deane Core Strategy and the service of an Enforcement Notice is recommended.

**In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998**

**PLANNING OFFICER: Mr M Bale**  
**PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy**

**CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466**

**APPEALS RECEIVED FOR COMMITTEE AGENDA – 05 JUNE 2013**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/C/13/2198247	CONVERSION OF STORE / GARAGE TO RESIDENTIAL ACCOMMODATION AT THE GLOBE INN, KITTISFORD ROAD, STAWLEY, WELLINGTON	E/0168/35/12
APP/D3315/C/13/2199572	UNAUTHORISED BUSINESS RUNNING FROM FARTHINGS FARM, LIPE HILL LANE, COMEYTROWE, TAUNTON	E/0122/42/12