

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 25 June 2014 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meetings of the Planning Committee held on 21 May 2014 and 4 June 2014 (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 20/14/0015 CA Demolition of garage building, erection of detached dwelling with integral garage and erection of detached double garage to serve existing dwelling in the garden of 'Rossiters' at Kingston Garage, Kingston St Mary.
- 6 20/14/0016 Demolition of garage building, erection of detached dwelling with integral garage and erection of detached double garage to serve existing dwelling in the garden of 'Rossiters' at Kingston Garage, Kingston St Mary (as amended).
- 7 24/14/0020 Erection of 10800 ground mounted photovoltaic panels to provide a 1242 KWP installation on land at Pondpool Lane, Helland, North Curry (amended scheme to 24/13/0044) as amended and supplemented.
- 8 25/14/0015 Erection of conservatory (retention of work already undertaken) at 2 Glen Frome Villas, Norton Fitzwarren.
- 9 35/14/0006 Conversion of three cottages and barns to self-catering holiday accommodation complex, to include games room, swimming pool, terrace, plant room and construction of tennis court at Stawley Wood Farm, Stawley.
- 10 38/14/0147 TEN Notification for prior approval for the replacement of antenna, cabinets and ancillary equipment and increase of height of pole to 17.5m to the telecommunications mast at Shoreditch Road, Taunton.

- 11 48/14/0010 Erection of an agricultural workers dwelling, demolition of stables and erection of extension to agricultural building for general purpose at the willows, Noahs Hill, West Monkton.
- 12 E/0174/30/13 Unauthorised illuminated sign for McDonalds Restaurant, Taunton Deane Services, M5 Southbound, Pitminster, Taunton.
- 13 Planning Appeals - The latest appeals and decisions received (attached)

Bruce Lang  
Assistant Chief Executive

05 August 2014

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 B Nottrodt (Chairman)  
Councillor S Coles (Vice-Chairman)  
Councillor J Allgrove  
Councillor C Bishop  
Councillor R Bowrah, BEM  
Councillor E Gaines  
Councillor C Hill  
Councillor M Hill  
Councillor L James  
Councillor I Morrell  
Councillor P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

## **Planning Committee – 21 May 2014**

Present: - Councillors Mrs Allgrove, Bishop, Bowrah, Coles, Gaines, C Hill, Mrs Hill, Horsley, Miss James, Morrell, Nottrodt, Mrs Reed, A Wedderkopp and D Wedderkopp

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (Area Co-ordinator – East), Matthew Bale (Area Co-ordinator - West), John Burton (Major Applications Co-ordinator), Julie Moore (Major Applications Co-ordinator), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

Also present: Councillor Stone in connection with application No 24/14/0011, Councillor Farbahi in connection No 52/14/0012 and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### **54. Appointment of Chairman**

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

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

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

### **56. Apologies/Substitutions**

Apologies : Councillors Tooze, Watson and Wren.

Substitutions : Councillor Horsley for Councillor Tooze.  
Councillor Mrs Reed for Councillor Watson

### **57. Minutes**

The minutes of the meeting of the Planning Committee held on 30 April 2014 were taken and read and were signed.

### **58. Declarations of Interest**

Councillor Mrs Allgrove declared that item No 52/14/0012 had been discussed at a recent Comeytrowe Parish Council meeting. She felt that she had not fettered her discretion. Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. All Councillors declared that they had received various emails from the applicant of application Nos 24/14/0011 and 48/13/0081. All

declared that they had not fettered their discretion. The Development Management Lead, Bryn Kitching, declared that he knew the Planning Agent for application Nos 24/14/0011 and 48/13/0077. He left the room whilst the items were discussed.

## **59. Applications for Planning Permission**

The Committee received the report of the Assistant Director – Planning and Environment on applications for planning permission and it was resolved that they be dealt with as follows:-

- (1) That the **detailed plans be approved** for the under-mentioned development:-

**Application for the approval of reserved matters in relation to phase 6 of outline application 48/05/0072 for the erection of 82 No. dwellings including infrastructure, open space and landscaping on land off Bridgwater Road, Monkton Heathfield (48/13/0081)**

### **Conditions**

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

- (A1) DrNo RHSW.5315.02.AP001 Rev E Adoption Plan;
- (A1) DrNo RHSW.5315.02.EP001 Rev H Enclosure Plan ;
- (A1) DrNo RHSW.5315.02.MP001 Rev F Materials Plan;
- (A1) DrNo RHSW.5315.02.SH001 Rev E Storey Heights;
- (A1) DrNo RHSW.5315.02.SI001 Rev M Site Layout;
- (A1) DrNo RHSW.5315.02.SL002 Rev E Indicative Slab Levels;
- (A0) DrNo RHSW.5315.02.SS001 Rev D Street Scenes;
- (A0) DrNo RHSW.5315.02.LP001 Rev A Location Plan;
- (A0) DrNo RHSW.5315.02.SS002 Rev B Street Scenes;
- (A1) DrNo RED17988-15E 1 of 6 Landscape Proposals;
- (A1) DrNo RED17988-15F 2 of 6 Landscape Proposals;
- (A1) DrNo RED17988-15E 3 of 6 Landscape Proposals;
- (A1) DrNo RED17988-15E 4 of 6 Landscape Proposals;
- (A1) DrNo RED17988- 15E 5 of 6 Landscape Proposals;
- (A1) DrNo RED17988 – 15F 6 of 6 Landscape Proposals;
- (A3) DrNo House Type Booklett (C);
- (A0) DrNo JBR 2308 204-1 Rev A Section 278  
GeneralArrangement;
- (A1) DrNo JBR 2308 204-2 Rev A Section 278 Location Plan;
- (A0) DrNo JBR 2308 201-3 Section 278 Contours and White  
Lining;
- (A1) DrNo 210-1 Section 278 General Arrangement;
- (A1) DrNo 210-2 Section 278 Location Plan;
- (A1) DrNo Round-About Highway Proposals;
- JBR2397 – 304 REV B Central Parkland North;

- JBR2397- 309 Rev A Shared space square;
- House Type Booklet (D);
- Broadway – EHSB04 Rev B elevations;
- Broadway – EHSB04 layout;
- Kenilworth-E4H112 Elevations;
- Kenilworth-E4H112 Rev B layout;
- Windsor – E4H118 Rev B Elevations and layout;
- Kensington- E4H135 and 137 Rev B Layout;
- Kensington- E4H135 and 137 Rev A elevations;
- Worcester-E3H118 Rev A elevations and layout;
- Windsor – E4H118 Rev B Elevations and layout;
- Marlow – E4H126 Rev A Elevations and layout;
- Oxford – E4h130 -2 Elevations and layout;
- Cambridge – E4H138 Elevations and layout;
- Shaftsbury – E4H140-2 Elevations and layout;
- Canterbury-E4H141 Rev A Elevations;
- Canterbury-E4H141 Rev A Layout;
- Welwyn- E4H153 Elevations;
- Welwyn – E4H153 Rev B layout;
- Tavy- E42AF083 Elevations;
- Tavy- E42AF083 Layout;
- Dart- D3AF090 Elevation;
- Dart- D3AF090 Layout;
- Single garage type 1 Double garage type 2;
- Garage 04 type 2 Rev B;

(b) No development shall commence on site until the necessary reserved matters or other written approvals have been granted for the following details and where required fully provided on site in accordance with the approved details:-

- Internal spine road;
- Surface water drainage arrangements;
- Public Open Space (including landscaping) and Children’s Play Area for the land immediately to the east of the site and included within planning application 48/14/0015;
- Strategic cycle and footpath network;
- Phase 2 Wildlife Management Plan;
- Revised Design Code;
- Landscape Strategy and Management Plan;

(c) Prior to their erection on site full details of the proposed timber boarding and its finish shall be submitted to, and approved in writing by, the Local Planning Authority. All timber boarding erected on site shall be in accordance with the approved details. All other materials shall be as specified in the materials plan HSW.5315.02.MP001 Rev F unless otherwise agreed in writing with the Local Planning Authority and the

banding shown on the house types fronting the southern spine road shall be of the same brick as the main wall of the dwelling;

- (d) The development hereby permitted shall not gain vehicular access to the existing A38 (Bridgwater Road) from the proposed junction (immediately to the south of this site) with the internal spine road until the Eastern Relief Road has been implemented, constructed and is open for public use and the traffic calming scheme (including bus gates) has been approved and implemented on the A38 between the northern and southern junctions of the Eastern Relief Road unless such a traffic calming scheme cannot be implemented under the terms of the Section 106 Agreement with Somerset County Council as the Highway Authority;

In such an event the development shall not have access onto the existing A38 (Bridgwater Road) until the Eastern Relief Road has been implemented, constructed and is open for public use and the right hand turn lane and associated works indicated on Drawings No. ACC 5066-JBR 2308-204-1 Rev A and ACC 5066-JBR 2308-204-3 rev A (or an alternative right turn lane detail that may be approved under planning application 48/14/0009) has been constructed in accordance with those details unless otherwise agreed in writing by the Local Planning Authority;

- (e) The proposed estate roads, footways, tactile paving, cycleways, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhangs margins, multi propose crossing, embankments, visibility splays, accesses, carriageway gradients, drive gradients and associated furniture and works shall be constructed in accordance with the approved highway details. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless agreed in writing by the Local Planning Authority;

- (f) No part of the private access or driveways shall be laid out at a gradient steeper than 1 in 10;

- (g) Prior to the occupation of 50% of the dwellings hereby permitted, the public open space and children's play area located on land identified as the Central Parkland North immediately to the east of the site and illustrated on plan number JBR2397\_304\_P1 shall be provided on site in accordance with the approved details and available for public use;

- (h) The approved noise bunds adjacent to the proposed Eastern Relief Road shall be completed prior to the occupation of any adjacent dwellings (plots 212-217 and 219-224) hereby approved and shall thereafter be maintained in accordance with those approved details;

- (i) Prior to the construction of the "shared space square" shown on plan JBR2397-309 Rev A full details of the materials to be used shall be submitted to, and approved in writing by the Local Planning Authority. The shared space square shall thereafter be constructed in accordance with



those approved details. The five trees shown within the shared space square shall be planted in the first available season following the commencement of construction on The Square and shall thereafter be maintained in a healthy weed free condition and any trees that cease to grow, shall be replaced by trees of similar size and species or other appropriate trees as may be approved in writing by the Local Planning Authority;

- (j) Prior to the commencement of works on site full details of the proposed footway, cycleway and refuge crossings of the A38, as shown on drawing RHSW.5315.02.SL001, shall have been submitted to, and approved in writing by, the Local Planning Authority. Such details shall then be fully constructed in accordance with the approved plans before the development is first occupied;
- (k) Prior to the commencement of works on site full details of the proposed bund shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include cross sections and proposed materials for the bund. Once approved the bund shall be constructed in strict accordance with those details and thereafter maintained unless an alternative is first submitted to, and agreed in writing by, the Local Planning Authority.

(Notes to applicant:- (i) Applicant was advised of the need to comply with the conditions of the outline approval 48/05/0072 and the requirements of the Section 106 Agreement between the consortium and Somerset County Council and Unilateral Undertaking with Taunton Deane Borough Council; (ii) Applicant was advised that the Section 106 Agreement and Unilateral Undertaking attached to the outline planning permission incorporates various trigger points associated with development. You are advised that these trigger points relate to the phasing plan attached to those documents and should not be confused with the phasing currently being used for development purposes. (iii) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

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

**48/13/0077**

**Change of use from private dwelling to Children's Nursery at 156 Bridgwater Road and change of use of part of 154 for parking and turning, Bridgwater Road, Taunton (resubmission of 48/13/0026)**

**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:-
- (A4) Location Plan;
  - (A3) DrNo 2582.01E Proposed Parking Layout;
  - (A3) Landscape Plan;
  - (A4) Location Plan, Proposed Planting;
  - (A3) DrNo 100.001 Rev A Existing Ground/ First floor Layouts;
  - (A3) DrNo 100.02 Existing Roof Layouts;
  - (A3) DrNo 100.011rev B Proposed Ground/First Floor Layouts;
  - (A4) DrNo 100.021 Rev A Proposed Usable Designation;
  - (A3) DrNo 300.001 Existing Elevations: Main Building;
  - (A3) DrNo 300.011 Proposed Building: Main Building;
  - (A3) DrNo 300.012 Rev A Proposed Elevations: Annexe and Garage;
- (c) The premises shall be used for a Children's Day Nursery and for no other purpose (including any other purpose in Class D1 (D1B and D1C) of the Schedule to the Town and Country Planning (use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.);
- (d) The use hereby permitted shall not be open to customers outside the following times 0800 – 1800 hours Monday to Friday (inclusive);
- (e) The number of children to be taught and/or cared for at the premises shall not exceed 35 at any one time;
- (f) (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) Unless the use (hereby permitted) ceases to operate 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;
- (g) There shall be no more than 10 children looked after/taught/playing in the outside areas at any one time;
- (h) The areas allocated for parking and turning on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences and shall not be used other than for the parking and turning of

vehicles as defined in the approved plan, in connection with the development hereby permitted;

- (i) Prior to commencement of the use, hereby permitted, details of the surface water drainage, including areas to be used for car parking, shall be submitted to, and approved in writing by, the Local Planning Authority and the works completed in accordance with the approved details

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

### **51/14/0005**

### **Change of use of land to store dredged material on land to the south of Stathe Road and east of Stanmoor Road, Burrowbridge**

#### **Conditions**

- (a) The use hereby permitted shall be discontinued and the land restored to its former condition or allowing for a level of up to 300mm of dredged material to remain, on or before 30/11/2015;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A3) DrNo 122316-00028 Rev A.0 Stockpile Location Plan;
  - (A3) DrNo 122316-00034 Rev A.0 Planning Application Site 2;
  - (A3) DrNo 122316-00037 Rev A.0 Stockpile Location Plan;
- (c) The measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed in "Table 6-10 Potential impacts of the proposed scheme on the Flora and Fauna" and " Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance" in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014) shall be carried out as indicated during the construction and decommissioning of the stockpiles, including a Badger assessment prior to removal of the stockpiles.

(Notes to applicant:- (i) Applicant was advised that the alteration of the access and/or minor works or temporary signage will involve works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area who will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980; (ii) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission; (iii) Applicant was advised that provisions must be made to ensure that all existing drainage systems continue to

operate effectively and that riparian owners upstream and downstream of the site are not adversely affected; (vi) Applicant was advised that the proposed Traffic Management Plan shall include discussion with neighbours, particularly at the Old Barn, Stanmoor Orchard on Stathe Road, regarding access safety improvements during the works.)

#### **51/14/0006**

#### **Change of use of land to store dredged material on land between Saltmoor Farm and West Yeo, Burrowbridge**

#### **Conditions**

- (a) The use hereby permitted shall be discontinued and the land restored to its former condition or allowing for a level of up to 300mm of dredged material to remain, on or before 30/11/2015;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 122316-00028 Rev A.0 Stockpile Location Plan;
  - (A3) DrNo 122316-00035 Rev A.0 Planning Application Site 3;
  - (A3) DrNo 122316-00038 Rev A.0 Stockpile Location Plan;
- (c) The measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed on “Table 6-10 potential impacts of the proposed scheme on the Flora and Fauna” and “Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance” in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014) shall be carried out as indicated during the construction and decommissioning of the stockpiles, including a Badger assessment prior to removal of the stockpiles.

(Notes to applicant:- (i) Applicant was advised that the alteration of the access and /or minor works or temporary signage will involve works within the existing highways limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area who will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980; (ii) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission; (iii) Applicant was advised that provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.)

#### **52/14/0012**

#### **Erection of six floodlights to illuminate sports pitch at Queens College, Trull Road, Comeytrowe**

## 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:-
- (A4) DrNo CC4217 02 Philips Floodlights;
  - (A1) DrNo GTB-Po-17-1 Proposed Lighting;
- (c) The floodlighting hereby permitted shall be illuminated only between the hours of 1400 and 2130 hours Monday to Saturday and not at any times on Sundays and only in the months of October to March inclusive;
- (d) The floodlighting scheme hereby permitted shall be implemented fully in accordance with the details and specifications set out in the design and access statement with amended Philips Lighting document received 21 May 2014 and shall thereafter be retained as such;
- (i) Before any part of the permitted development is in use, 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;

(Notes to applicant: - (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised that the landscaping scheme should include some trees and higher growing shrubs; (iii) Applicant was advised that the Council will be consulting with neighbouring residents regarding the landscaping scheme required by condition (e). You are advised to agree a mutually acceptable scheme prior to submission to the Council.)

- (3) That **Planning permission be refused** for the under-mentioned development:-

**24/14/0011**

## **Residential development of land for up to 6 no workplace homes at Knapp Lane Acre, Knapp Lane, North Curry**

### **Reason**

- (i) The application site lies outside the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and the proposal is therefore an unsustainable development contrary to Policies CP4, SP1 and DM2 of the Taunton Deane Core Strategy.
- (ii) The proposed development would have a detrimental impact on the rural character of the countryside area within which it sits and this is incapable of appropriate mitigation through landscaping of the site. It is therefore considered to be contrary to Policies CP1, DM1 and CP8 of the adopted Taunton Deane Core Strategy.
- (iii) The proposal does not accord with Policies CP6 and CP8 of the Taunton Deane Core Strategy 2011-2028 (adopted 11 September 2012) since the site has insufficient frontage to Knapp Lane to enable an estate road junction to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety; and furthermore the highway network close to the site is unsuitable in terms of its geometry at and between junctions for large commercial vehicles more likely to be generated by live work units than purely residential units.
- (iv) The proposal does not provide a suitable means for securing the appropriate affordable housing, the Sustainable Urban Drainage scheme for the site, or a Travel Plan, and therefore is contrary to Policies CP4, CP6 and CP7 of the adopted Taunton Deane Core Strategy.

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused; (ii) Although the reasons for refusal include one relating to the lack of a planning obligation under Section 106 of the Town and Country Planning Act, this had been added in order to safeguard the Council's position in the event of any subsequent appeal. It is expected that this issue could be resolved in the event of any appeal.)

## **24/14/0019**

### **Erection of five dwellings with garaging, car parking and vehicular access at land off White Street, North Curry**

#### **Reason**

- (1) The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and the proposal is therefore an unsustainable development contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.
- (2) The proposed development would be detrimental to the setting of Longs House/Cottage (a Grade II Listed Building) and the North Curry Conservation Area, in particular, the proposed highway access and urban road frontage, the restricted dwelling and plot sizes, its regimented layout, the loss of the surrounding hedge and tree boundary with White Street, contrary to the requirements of Policies CP8, CP1 (h) and DM1 (d) of the Taunton Deane Core Strategy.
- (3) The proposed development would have a detrimental impact on the semi-rural character of the area which forms the boundary between the built form of the development and open countryside beyond and is therefore considered to be contrary to Policies CP1(g), DM1(d) and CP8 of the adopted Taunton Deane Core Strategy.
- (4) The proposal does not provide a suitable means for securing the appropriate affordable housing, the Sustainable Urban Drainage scheme for the site, or a Travel Plan, and therefore is contrary to Policies CP4, CP6 and CP7 of the adopted Taunton Deane Core Strategy.

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused; (ii) Although the reason for refusal includes one relating to the lack of a Planning Obligation under Section 106 of the Town and Country Planning Act, this had been added in order to safeguard the Council's position in the event of any subsequent appeal. It is expected that this issue could be resolved in the event of any appeal.)

(4) That the following application **be deferred** for the reason stated :-

**48/14/0010**

**Erection of an agricultural workers dwelling, demolition of stables and erection of extension to agricultural building for general purpose at the Willows, Noahs Hill, West Monkton**

**Reason** – To enable the additional information submitted by agent to be properly assessed before being reported to Committee.

**60. Change of use of land to store dredged material on fields of Burrow Drove, on the north bank of the River Parrett, North West of Grove hill (51/14/0004)**

Reported this application.

**Resolved** that subject to the receipt of no adverse comments in respect of the altered access being received by 30 May 2014, the Assistant Director Planning and Environment be authorised to determine the application in consultation with the Chairman/Vice Chairman and, if planning permission was granted, the following conditions be imposed:-

### **Conditions**

- (a) The use hereby permitted shall be discontinued and the land restored to its former condition or allowing for a level of up to 300mm of dredged material to remain, on or before 30/11/2015;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 122316 –00028 Rev A.O Stockpile Location Plan;
  - (A3) DrNo 122316 – 00033 Rev B.0 Planning Application Site 1;
  - (A3) DrNo 122316 – 00036 Rev B.0 Stockpile Location Plan;
- (c) The measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed in “Table 6-10 Potential impacts of the proposed scheme on the Flora and Fauna” and “Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance” in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014) shall be carried out as indicated during the construction and decommissioning of the stockpiles, including a Badger assessment prior to removal of the stockpiles.

(Notes to applicant:- (i) Applicant was advised that the alteration of the access and/or minor works or temporary signage will involve works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area who will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980; (ii) 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 imposed planning conditions to enable the grant of planning permission; (iii) Applicant was advised that provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

## **61. Appeals**

Reported that one decision had been received details of which were submitted.

**Resolved** that the report be noted.



(The meeting ended at 9.25pm)

## Planning Committee – 4 June 2014

Present: - Councillor Nottrodt (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bishop, Denington, C Hill, Mrs Hill,  
Morrell, Tooze, Mrs Reed, A Wedderkopp and D Wedderkopp and  
Wren

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (Area  
Co-ordinator – East), Matthew Bale (Area Co-ordinator - West),  
Roy Pinney (Legal Services Manager), Maria Casey (Planning and  
Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

Also present: Councillor Stone for application No E/0154/24/12. Mrs A Elder, a  
Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### 62. Apologies/Substitutions

Apologies : Councillors Bowrah, Gaines, Miss James and Watson

Substitutions : Councillor Denington for Councillor Bowrah  
Councillor Mrs Reed for Councillor Watson

### 63. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal  
interests as Members of Somerset County Council. Councillor Mrs Hill  
declared a personal interest as an employee of Somerset County Council.  
Councillor Nottrodt declared a personal interest as a Director of Southwest  
One. Councillor Wren declared that he was no longer 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:-

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

**49/14/0023**

**Erection of replacement timber building on footprint of existing at lower  
level, at Footlands Farm, Wiveliscombe**

**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 1109\_S\_03 Floor Plans and Elevations;
  - (A3) DrNo 1109\_S@02 Location Plan ;
  - (A4) DrNo 1109\_S\_01 Site Plan:

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

**38/14/0075**

**Erection of two storey extension to the rear and single storey extensions to the side and front at 41 Wellington Road, Taunton (Retention of part works already undertaken)**

**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 17-2011-01 location & Site Plans;
  - (A4) Proposed First Floor Plan;
  - (A4) Proposed Side Elevation;
  - (A4) Proposed Rear Elevation;
  - (A4) Proposed Side Elevation;
  - (A4) Proposed Ground Floor Plan;
  - (A4) Proposed Front Elevation;

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

**30/14/0007**

**Erection of detached dwelling with detached garaging and associated works on land adjacent to Wayside, Howleigh Lane, Blagdon Hill**

**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 115.3.01 Rev E Location and Site Plan;
  - (A3) DrNo 115.3.03 Ground and First Floor Plan;
  - (A3) DrNo 115.3.03 Ground and First Floor Plans;
  - (A3) DrNo 115.3.04 Roof Plan, Perspective view;
  - (A3) 115.3.05 Rev A North, South and East Elevations;
  - (A3) DrNo 115.3.06 Rev A North East, South East and South West Elevations;
  - (A3)DrNo 115.3.07 Rev A West and North West Elevations Sections S-01 and S-02;
  - (A3)DrNo 115.3.08 Ground and Roof Plans NSE and W Elevations Section S-1;
  - (A4) DrNo 115.3.09 Sketch Site Section;
- (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) 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 as may be approved in writing by the Local Planning Authority;
- (e) The application shall undertake all the recommendations made in Appendix 4 of Blackdown Environmental's Preliminary Ecological appraisal report dated January 2014, and provide mitigation for birds and bats as recommended. 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. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (f) The proposed access shall be constructed in accordance with details shown on the submitted plan, Drawing No. 115.3.02, and shall be

available for use before the commencement of the development hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times;

- (g) The proposed access shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2 m x 2 m . Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times;
- (h) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 m 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;
- (i) 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;

(Notes to applicant:- (i) 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; (ii) Applicant was advised that the access hereby permitted should not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access; (iii) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant was advised that the creation of the new access will require a Section 187 Permit. This must be obtained from the Highway Service Manager.. Application for such a permit should be made at least four weeks before access works are intended to commence; (iv) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). 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.)

**65. Miscellaneous Report – E/0154/24/12 Untidy site at 12 Town Close, North Curry**

At the Planning Committee meeting of 30 January 2014, Members authorised the service of a Section 215 Notice on the property 12 Town Close, North Curry (Minute No. 15/2014 refers).

The notice had subsequently been served and required the removal of all the stored and accumulated items from the land by 12 May 2014.

A site visit had been made and although some progress had been made with the clearing of the rear garden, the notice had not been fully complied with. It had also been noted that structures had been erected which fell within 'permitted development' criteria. It was considered by officers that no action could be taken against the erection of a shed that was permitted development.

As the notice had not been fully complied with regarding the clearance of the site, it was normal planning practice to consider whether to proceed to prosecution action. The owner of the site had been advised by the Council's Legal Section that if the notice was not complied with within 14 days from the date of the meeting, the Council would commence prosecution proceedings.

**Resolved** that the report be noted.

**66. E/0040/38/14 – Unauthorised illuminated sign at 21 East Street, Taunton**

Reported that unauthorised trough lighting had been installed to illuminate the fascia sign at 21 East Street, Taunton without the relevant advertisement and listed building consents.

The agent had been informed that the trough illumination to the fascia was unauthorised and that it should be removed or replaced by the approved halo illumination. To date the trough lighting was still in situ.

**Resolved** that:-

- (1) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action against the owners of the listed building known as 21 East Street, Taunton in respect of the unauthorised illumination of a fascia sign at the property;
- (2) A listed building enforcement notice be served seeking the removal of the unauthorised trough lighting to the fascia sign at 21 East Street, Taunton; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice be not complied with.

**67. E/0077/44/14 – Erection of alleged unauthorised structures on land at Beacon Lane Farm, Foxmoor Road, Wellington**

Reported that planning permission had been granted in January 2012 for the change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space at Beacon Lane Farm, Foxmoor Road, Wellington.

Although work on converting the barn to residential accommodation had been completed the outbuildings planned to be used in connection with the dog breeding business had yet to be completed. Instead, the owners had situated a number of structures on the land to house an increasing number of dogs until the dog breeding element was fully functional.

The additional land used to house the dogs had no planning permission and Members had previously authorised the serving of an Enforcement Notice to stop land being used for the stationing of timber structures to house dogs. The notice was not complied with within the time and prosecution action was commenced.

The structures were removed a day before the matter was to be heard in the Magistrates Court.

Further reported that the structures had been relocated on a small area of land to the north of the converted barn but outside of the area originally granted planning permission.

A site meeting had been arranged to inform the owner that an application should be submitted in order to seek regularisation for the structures in their current position. Although it was agreed that an application would be submitted, this had not been received to date and therefore the structures currently remained unauthorised.

**Resolved that:-**

- (1) An enforcement notice be served seeking the removal from the land of all buildings and structures being used in connection with the dog breeding/kennelling activity at Beacon Lane Farm, Foxmoor Road, Wellington together with the removal of associated hardcore areas serving the said structures;
- (2) Any enforcement notice served should have two months compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

**68. Appeals**

Reported that three appeals had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.05pm)



## **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

20/14/0015/CA

MRS P CROSS

**DEMOLITION OF GARAGE BUILDING, ERECTION OF DETACHED DWELLING WITH INTEGRAL GARAGE AND ERECTION OF DETACHED DOUBLE GARAGE TO SERVE EXISTING DWELLING IN THE GARDEN OF 'ROSSITERS' AT KINGSTON GARAGE, KINGSTON ST MARY**

Location: KINGSTON GARAGE, KINGSTON ROAD, KINGSTON ST MARY,  
TAUNTON, TA2 8HW

Grid Reference: 322142.129565

Conservation Area Consent

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) DrNo 5019\_01 Location Plan

(A2) DrNo 5019\_04 Existing Building to be Demolished

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

**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 and has granted planning permission.
2. You are reminded of the need to comply with the conditions placed on planning permission 20/14/0016.

## **PROPOSAL**

Kingston Garage is situated in the centre of Kingston St Mary, within the village development boundary and within the Conservation Area. The garage site is occupied by a large unlisted workshop building with a dwelling at the front of the site abutting the road. The garage is still in operation.

Conservation area consent has been granted several times in the past for the demolition of the garage building, along with planning permission for the erection of a dwelling and garage on the site, most recently in January 2011. This application now seeks conservation area consent, once again, for the demolition of the existing garage building, which would be replaced with a detached 4 bedroom dwelling with integral garage and erection of detached double garage (to serve the existing dwelling).

There is a concurrent application for planning permission for the erection of the dwelling, along with a further detached double garage to serve the existing property.

This application comes before committee as the agent is related to a member of staff.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*KINGSTON ST MARY PARISH COUNCIL* - No objection

*SCC - TRANSPORT DEVELOPMENT GROUP* - No comments received

*HERITAGE* - No objections to the demolition of the garage.

### **Representations**

None

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP8 - CP 8 ENVIRONMENT,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The garage workshop building is of no merit to the Kingston St Mary Conservation Area and it's demolition is considered to preserve and enhance the character and appearance of the area.

There is a concurrent planning application for a dwelling and domestic garage on the site, which is not deemed to have any adverse impact on the character and appearance of the Conservation Area.

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

**CONTACT OFFICER: Mrs K Walker Tel: 01823 356468**

20/14/0016

MR P CROSS

**DEMOLITION OF GARAGE BUILDING, ERECTION OF DETACHED DWELLING WITH INTEGRAL GARAGE AND ERECTION OF DETACHED DOUBLE GARAGE TO SERVE EXISTING DWELLING IN THE GARDEN OF 'ROSSITERS' AT KINGSTON GARAGE, KINGSTON ST MARY (AS AMENDED)**

Location: KINGSTON GARAGE, KINGSTON ROAD, KINGSTON ST MARY,  
TAUNTON, TA2 8HW

Grid Reference: 322142.129565

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) DrNo 5019\_01 Location Plan

(A3) DrNo 5019\_02 Site Layout Plan

(A2) DrNo 5019\_04 Existing Building to be Demolished

(A1) DrNo 5018\_03 B Proposed Floor Plan and Elevations House and Detached Garage

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

3. Prior to the commencement of the erection of any part of the dwelling or garage hereby permitted, a sample of the materials to be used in the construction of the external surfaces of the roof shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the

character and appearance of the conservation area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

4. Prior to the commencement of the erection of any part of the dwelling or garage hereby permitted, a panel of the proposed stonework measuring at least 1m x 1m shall have been built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the conservation area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

5. The development hereby permitted shall not be commenced until percolation tests to determine the suitability of the soil for drainage have been carried out and details of the proposed drainage have been submitted to and approved by the Local Planning Authority. The drainage shall be implemented in accordance with the approved details prior to occupation and thereafter retained as such.

Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development, as set out in Policy DM1 of the Taunton Deane Core Strategy.

6. The access, parking and turning area shall be hard surfaced before it is brought into use, in accordance with details which shall have been submitted to and agreed in writing by the Local Planning Authority and shall thereafter be retained as such, unless otherwise agreed in writing.

Reason: In the interests of highway safety.

7.
  - (i) Before any part of the dwelling hereby permitted is brought into use, 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 following agreement with the Local Planning Authority, 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.

8. Before any part of the development hereby permitted is commenced, detailed drawings showing existing and proposed site levels, floor levels and contours of the development site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. The area allocated for parking and turning on submitted plan 5019\_02 shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway, in the interests of highway safety.

11. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

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

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant

pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

- An assessment of the potential risks to
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

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

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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



works.

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

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

f) Long Term Monitoring and Maintenance

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

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

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions; alterations to any part of the dwelling, including the roof; outbuildings; or porches, other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and to preserve the design and external appearance of the building, in accordance with Taunton Deane Core Strategy Policy DM1.

#### 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. Notes regarding Wessex Water:
  - New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from

[www.wessexwater.co.uk/developerservices](http://www.wessexwater.co.uk/developerservices)

- DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.
  - Separate systems of drainage will be required to serve the proposed development.
  - No surface water connections will be permitted to the foul sewer system.
  - Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.
  - On 1 October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers). At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our records plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Buildings Regulations purposes. More information relating to this transfer can be found on the Wessex Water website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage of you suspect that a section 105a sewer may be affected.
3. Wessex Water records show that there is a public foul sewer crossing the site. Wessex Water normally require a minimum 3 metre easement width either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.
  4. with reference to Condition 6, the driveway should be properly consolidated and surfaced, not loose stone or gravel and 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 the proposed dwelling.
  5. With reference to Condition 13, the site investigation and report should be in line with the latest guidance. Sources of such guidance, although not exclusively, publications led by the Department for Environment, Food and rural Affairs, the Environment Agency and the British Standards Institute. The council has produced a Guide to the Assessment and Remediation of Contaminated Land, which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339.
  6. Meter boxes can have a jarring effect on the appearance of buildings. The applicant is respectfully requested to consider carefully the position, materials and colour of the meter box.
  7. Soakaways should be constructed in accordance with British Research Digest

## **PROPOSAL**

Kingston Garage is situated in the centre of Kingston St Mary, within the village development boundary and within the Conservation Area. The garage site is occupied by a large unlisted workshop building with a dwelling to the front of the site abutting the road. The garage is still in operation.

Conservation area consent has been granted several times in the past for the demolition of the garage building, along with planning permission for the erection of a four bedroom dwelling and garage on the site, most recently in January 2011. This application now seeks planning permission for the erection of a detached 4 bedroom dwelling with integral garage and erection of detached double garage (to serve the existing dwelling).

The proposal is largely the same as has been granted many times, however with some small alterations to the design. During the processing of the application and following concerns raised by the case officer, amended plans were received, which incorporated some additional features that had been incorporated into previous schemes. It is now proposed to erect the property in render to the two sides and rear with stone to the front, whereas previously stone was also proposed to the south-east side elevation as well as the front. The porch and middle first floor window have been repositioned to improve the overall balance of the front elevation, a more sympathetic window design is now proposed, a chimney has been installed and the garage door design has been amended to timber of cart door style.

There is a concurrent application for conservation area consent for the demolition of the garage building.

This application comes before committee as the agent is related to a member of staff.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*KINGSTON ST MARY PARISH COUNCIL* - No objection

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to Standing Advice.

*Previous comments made in 2010 referred to* - Site is within settlement limits; the existing use is commercial, so a reduction in traffic movements will be expected; 3 parking spaces are proposed, as per the Local Transport Plan, adequate parking and turning, but substandard visibility, however the proposal will see a reduction in traffic movements from present use, so unreasonable to object. Suggest condition to retain parking & turning.

*CONSERVATION OFFICER* – No objections in principle to the proposed new dwelling although the previously approved scheme (20/03/0004) was perhaps closer in detailing and character to the traditional buildings within the Conservation Area. One element it shares with the earlier scheme is the integral garage that tends to visually unbalance the front elevation – given the provision of a separate double garage this is regrettable. The treatment of the integral garage opening is less satisfactory in the current scheme and the change from what appears to be side-opening vertical timber doors to what looks like an up-and-over metal door is certainly a negative.

Other details, such as the omission of a chimney and design of the porch are also less satisfactory. In terms of materials, there is precedence for the used of render rather than the stone of the previous scheme.

Overall, the scheme would only just preserve, rather than enhance the character and appearance of the Conservation Area and it could be very much improved with some minor alterations.

*ENVIRONMENTAL HEALTH* – The site has been a commercial garage which has also sold fuel. This means that there is a potential for contamination to be on or under the site. Suggest condition.

## **Representations**

None

## **PLANNING POLICIES**

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP8 - CP 8 ENVIRONMENT,

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. However, the proposed dwelling and garage would replace an existing commercial building and would in fact occupy a smaller footprint. On this basis, it would appear that CIL is unlikely to be payable on this development.

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) £1,079

Somerset County Council (Upper Tier Authority) £270

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £6,474

Somerset County Council (Upper Tier Authority) £1,619

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is important to note that the site lies within the settlement limits for Kingston St Mary and planning permission has been granted many times for a dwelling to be erected on this site, in place of the garage workshop building. Therefore, the principle of residential development on this site has already been established.

The matter for consideration is therefore whether there have been any changes in circumstances since the previous permissions and whether the change to the design is acceptable in planning terms.

Having visited the site, the site boundaries and situation on neighbouring properties appears as before. The dwelling is now proposed on a marginally different footprint to that previous approved, with a change in some window positions and some alterations to the design.

The gabled roof design remains as previously approved. It was previously proposed to use stone to the front and side elevation and it is now shown to be stone on only the front elevation. The continued use of stone to the front elevation is welcomed and as the majority of surrounding properties are render, it is not considered that increased use of render on this property would appear unacceptable. Initially concerns were raised that the less traditional design made a reduced contribution to the conservation area than that of the previously approved dwelling. However, following the receipt of amended plans, the design of the front elevation has been revised to result in a more balanced appearance, a chimney has been incorporated to reflect surrounding properties, the fenestration design has been made more sympathetic and the treatment of the garage doors has been amended to timber. As such, the dwelling is considered more in keeping with surrounding properties and to preserve and enhance the character of the conservation area.

The proposed dwelling would lie largely on the footprint of the garage workshop. The boundary to The Old Parsonage is partially a stone wall to 4 metres in height, which reduces in height as it progresses back into the site with vegetation above at that point. The proposed double garage would lie adjacent to the 4 metre high element and would not therefore cause any increased impact upon the adjacent property. The proposed dwelling is set some distance from the boundary and is not deemed to result in a loss of light or overbearing impact upon that property. There are no windows above ground floor level in the gable end which would face The Old Parsonage, although it is acknowledged that a bedroom window is positioned at first floor level in the side of the rear two storey projection. This would overlook part of the garden space allocated to the existing (host) property, Rossiters, although this is a long garden and there are other private areas retained in closer proximity to the dwelling itself. This window would lie approximately 12 metres from the boundary with The Old Parsonage, where the dwelling is set some distance from the boundary, within a large plot. As such, it is not deemed to result in a significant loss of privacy to neighbouring properties.

Over the boundary at The Burrells, there are various outbuildings with the dwelling

set some distance away towards the road. Whilst the proposed dwelling lies close to the boundary, it is not therefore considered to result in any loss of light or overbearing impact to the dwelling or main amenity space. As such, the scheme is not deemed to result in any significant adverse impact upon the living conditions of the occupiers of adjacent dwellings.

The scheme provides a double garage to serve the existing dwelling and the proposed dwelling incorporates an integral garage with parking space to the front, along with a shared turning area. As such adequate parking and turning is provided within the site. The access has substandard visibility although it is acknowledged that the use of the site for two residential properties rather than a residential property and commercial garage would have the potential to reduce traffic movements at the site. The proposal is not therefore considered to result in harm to highway safety.

The receipt of the New Homes Bonus is noted, however, it is considered that this matter carries very limited weight in this case.

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

**CONTACT OFFICER: Mrs K Walker Tel: 01823 356468**

24/14/0020

MR MJ & MRS BG DENNIS

**ERECTION OF 10800 GROUND MOUNTED PHOTOVOLTAIC PANELS TO PROVIDE A 1242 KWP INSTALLATION ON LAND AT PONDPOOL LANE, HELLAND, NORTH CURRY (AMENDED SCHEME TO 24/13/0044) AS AMENDED AND SUPPLEMENTED.**

Location: LAND OFF PONDPOOL LANE, HELLAND, NORTH CURRY, TA3  
6DU

Grid Reference: 332909.124391

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A2) DrNo 001 Rev A Topographical Plan  
(A2) DrNo FD 1a Perimeter Fencing and Hedging  
(A2) DrNo LSP1b Landscape Plan  
(A3) DrNo 200ajc Proposed PV Mounting Framework  
(A2) DrNo 402 Rev A Transformer Unit  
(A2) DrNo 401 Rev A LV Unit  
(A2) DrNo 403 Rev A HV Switchgear Unit  
(A2) DrNo 001 Rev A Location Plan  
(A1) DrNo BP2b Site Plan

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

3. 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.

Reason: To ensure that the site is adequately restored following the decommissioning of the site in the interests of the visual amenities of the area, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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

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

5. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Abbas Ecology's Extended Phase 1 Survey submitted report; dated May 2013 and February 2014, and Kevin Cook's Ornithological assessment report dated February 2014 and include

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
3. Measures for the enhancement of habitat and places of rest for, wildlife

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate wildlife.

6. The development hereby permitted shall not be commenced until details of a strategy to monitor the impact of the development on birds and aquatic invertebrates has been submitted to and approved in writing by the Local Planning Authority. The monitoring strategy shall be developed in consultation with specialists and be undertaken for a period of three years post construction. Data from the monitoring should be made publicly available.

Once approved the monitoring strategy shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: to monitor the impact of the development on birds and aquatic invertebrates.



7. (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 by the Local Planning Authority, and the approved landscape scheme shall be retained and maintained for so long as the development remains in existence.

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.

8. The fencing around the arrays 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.

Reason: To protect boundary trees, hedges and wildlife interests during the construction phase, in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

9. There shall be no stockpiling of material or ground-raising (temporary or permanent) on any part of the site.

Reason: To ensure that flood risk is not increased as a result of reduced flood storage / conveyance in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

10. 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.

Reason: To protect wildlife interests and the visual amenities of the area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

11. All new access tracks associated with the development shall be constructed using permeable materials.

Reason: To ensure that flood risk is not increased through the use of SuDs in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

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

Reason: To protect wildlife interests and the visual amenities of the area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

13. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: To ensure that the access roads are returned to their former condition in the interests of highway safety and the visual amenities of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

14. The Development hereby permitted shall not be commenced until sufficient temporary consolidated parking and turning spaces for vehicles have been provided on the construction site itself 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.

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network in accordance with Policy DM1 of the Taunton Deane Core Strategy.

15. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway or public footpath together with an Operational Maintenance Manual, 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.

Reason: To ensure that surface water is adequately controlled on site and does not discharge onto the local highway network in accordance with Policy DM1 of the Taunton Deane Core Strategy.

16. Prior to the commencement of development a construction traffic management plan providing details on the delivery of the photovoltaic panels and equipment to the site shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network in accordance with Policy DM1 of the Taunton Deane Core Strategy.

17. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

18. No development shall take place until samples or details of the colour to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To 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, and as agreed by the agent.

#### Notes to Applicant

1. The conditions relating to wildlife requires the submission of information to protect and monitor species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process, be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal and be provided with a Monitoring programme developed by specialists.

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

2. County Highways has requested that:

Where works are to be undertaken on or adjoining the publicly maintained highway, a licence under Section 171 of the Highway Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Mrs Maureen Atwell, Transport Development Group, Environment Dept, County Hall Taunton TA1 4DY, or by telephoning him on (01823 355645). 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.

The applicant should be advised that at least seven days before access works commence the Highway Service Manager Taunton Deane Area Highways Office, Burton Place, Taunton must be consulted.

Under Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.

It is suggested that the use of temporary signage would be beneficial to notify other highway users of the construction operation. Whilst there are no objections to the erection of temporary signage along the proposed route, the locations of such signage will need to be agreed in writing with the Area Highway Office if the signage is on highway land.

The condition survey will require the involvement of the Taunton Deane Area Highways Office who are contactable on tel: 08453 459155.

3. The Environment Agency advises:-

Please ensure that the proposals accord with Natural England Technical Information Note TIN101 "Solar Parks: Maximising Environmental Benefits".

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

However, since the site is relatively flat, we are satisfied that the proposals will not have a significant impact on surface water drainage patterns and that site-specific mitigation measures are not required in this particular instance.

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- The use of plant and machinery.
- Oils/chemicals and materials.
- The use and routing of heavy plant and vehicles.
- The location and form of work and storage areas and compounds.
- The control and removal of spoil and wastes.

We would expect all works to be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines which can be viewed at the following link:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

In the event of a pollution incident, the site operator must contact the

Environment Agency immediately by calling 0800 80 70 60.

The developer should ensure that the guidance in the Environment Agency: [Pollution Prevention Guidelines 6: Working at construction and demolition sites \(PPG 6\)](#) and [Pollution Prevention Guidelines 5: Works and maintenance in and near water \(PPG 5\)](#) is followed.

Where possible, waste washings from any concrete should be discharge into the foul sewer, with the agreement of Wessex Water. If not, the developer should ensure compliance with the [Environment Agency Regulatory Position Statement 107: Managing concrete wash waters on construction sites: good practise and temporary discharges to ground and surface waters](#).

Any waste generated must be disposed of in accordance with [Waste \(England and Wales\) Regulations 2011](#).

If waste material is brought onto site for construction purposes, the developer should ensure that appropriate permits are held according to [Waste \(England and Wales\) Regulations 2011](#).

[CL: AIRE sites](#) must be identified and declared prior to construction and all protocols followed, if not Environmental Permits will apply.

There is the potential for the proposed installation to act as an "ecological trap" for certain types of insect that are attracted to polarised light. This is an area that has been researched with particular reference to aquatic insects. Therefore it is recommended that ponds are placed strategically around the site.

4. The Rights of Way Officer advises:

Any proposed works must not encroach on to the current available width of the footpath. We have no objections to the proposal, but the following should be noted:

The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided.

5. The Drainage Board advises:-

If there is a need to undertake any additional access works to allow the proposals to be carried out or cabling works/fencing near any watercourse then Land Drainage Consent will need to be obtained for any of the watercourses within or abutting the site. Clearly the proposals indicate work will be proposed within 9.0 meters of the riparian watercourses abutting the site and the Board would require consent for any work or fencing or landscaping in the protection zone. The Board would also expect that the surrounding watercourse be maintained to improve the standard of protection before works commence on the proposed development.

6. Regarding the landscaping condition, some details have been submitted, but a plan showing all species, density, plant protection and maintenance is required.
7. 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.

## **PROPOSAL**

The proposal is for the erection of 10,800 ground mounted PV panels to provide 1,242 KWP at land at Pondpool Lane in Helland. This is equivalent to providing electricity to 320 homes. The proposal is for the provision of PV panels on the majority of the field, but allowing for a significant area of landscaping in the southern part of the field. The field area is 4ha, the application site is 3.18ha, the total installation area is 1.8ha and the total area of PV is 1.015ha. The area of panels is approx 340m by 60m, with the fencing and planting being a distance of approx. 9m from the rhyne and 6m from ditches to the north-eastern and south-western of the surrounding ditches. The arrays would be approx. 15m from the south-western boundary and 17m from the north-eastern boundary. Access is from the north via Pondpool Lane.

The frame mounting will support the panels at a 15 degree angle, in order to reduce the height of the panels and allow the arrays to be spaced at 5500 mm centres. It is proposed to install the ground mounted panels giving a minimum ground clearance of 900 mm to avoid any flood risk which will also encourage grass growth and facilitate sheep grazing. It is proposed to fit rows of tables of panels, three high (portrait), across the field at approximately 5.5 metre centres. These will generally follow the existing ground level with an overall height to the top of the panels of around 1.9 metres.

The proposed switchgear housing in a GRP enclosure (2.25m high by 3m by 3.25m), LV gear (2.25m high by 2.5 by 1.8m) and transformer (2.26m high by 2.5 by

1.9m) all placed on a 0.75m plinth as a precaution against flooding, will be to the north of the arrays approximately 30m from the entrance.

This is a revised application following the submission of a scheme for the whole field to have panels, which was submitted without an Environmental Impact Assessment.

The proposed landscaping will comprise an area of willow coppice to provide screening and biomass fuel crop with 50% coppiced in rotation every 2 years in the southern part of the field in an area approx 80m by 30m, with a mix of willow, hawthorn, and field maple to provide screening to the north-eastern boundary, and 9 new trees along the hedge alongside Pondpool Lane. Four bat boxes are proposed on poles along this hedge. There will be 1.9m high deer netting around the site, with new galvanised steel gates to the field entrance.

#### Application Submissions:

The agent has submitted an Environmental Impact Assessment, a Design and Access Statement, a Flood Risk Assessment, an ornithological Assessment, an archaeology report, a traffic management plan, and an ecology report to accompany the application.

The Environmental Impact Assessment and Statement considers the potential impact on the proximity of the four sensitive sites, these being Curry and Hay Moors SSSI to the north; North Curry Meadow SSSI to the north; West Sedgemoor Ramsar SSSI site to the east and Fivehead Wood and Meadow SSSI to the south east. The first is approximately 2km to the north of the site, will not be visible from the Moors, no construction traffic will pass and there is no environmental impact risk to this area. North Curry Meadow SSSI is approximately 0.7km from the site, will not be visible from this area, no construction traffic will pass and there is no environmental impact risk to this area. West Sedgemoor Ramsar SSSI site is to the east, the closest part being 400m from the boundary. The report considers the installation will not be visible from the site, there will be planting to eliminate any potential glimpses, the LVIA concludes there will be no negative Landscape or Visual Impact upon it. Fivehead Wood and Meadow SSSI are to the south east and approximately 1.5km from the installation site. The statement concludes that the installation will not be visible from the Meadow, and very limited from the Wood, no construction traffic will pass the sites and nor will there be any emissions or light pollution from the installation and therefore it is considered there will be no risk of environmental impact on them.

The Old Somerset Rhyne which is on the southern boundary of the installation site crosses the Ramsar Site and therefore there could be potential risk for pollution should there be a flood during the construction process. However, it is considered by strictly following the measures in PPG6 guidance the risk is minimised and becomes negligible. It is planned that construction traffic will pass along a short section of the Ramsar site boundary perhaps for a distance of some 150 metres. The Traffic Management Plan will ensure there is no environmental impact resulting from that traffic. Because of the limited visibility of the installation and the management to be adopted for the construction, together with the fact that there will be no emissions from the completed installation it is considered that there will be no measurable risk of environmental impact upon the Ramsar site.

The report states that floodlighting has been ruled out and the PV panels do not produce noise, so there is no light or noise potential. The installation will have no impact upon flooding either on or off the site. It is generally accepted that the PV panels will not give rise to nuisance from glint and glare. There will be no excavations within 6m of the drainage ditches, and temporary fences will be erected from the edges of the drainage ditches to protect reptiles. The conclusion is that there will be no measurable adverse impact upon the local environment.

The Design and Access Statement describes the proposal, summarises all the reports, includes a Landscape and Visual Impact Assessment, which summarises the potential visual impact. There are properties at Rock Hill, including Orchard End, at some 1.6km to the South that look towards the site. From these the appearance will not be dissimilar to that of modern crop farming where the ground is covered in a membrane to warm the soil and control pests but it just one field within a vista of hundreds including many farms and houses. There are in fact two arrays of panels already installed in that vista (at Nythe Farm). The photographs accompanying the report/proposal were taken in early April prior to leaf cover so any visual impact should be clear. The site is not in an Area of Outstanding Natural Beauty and the D&AS considers the Landscape Character Area policy designation results in proposals being sensitively sited and designed to respect the distinct character and appearance of that area, there is no landscape designation which would prevent the proposal. The report also concludes that there are public footpaths in the vicinity, but none will be detrimentally visually affected due to existing or proposed planting. The land is Grade 3, has been used for summer grazing or cut for hay, with limited but unsuccessful arable cropping. The field will continue to be used for sheep grazing, and will be part of a farm diversification.

The Flood Risk Assessment states that the site falls within Flood Zones 1, 2 and 3, but as the height of the panels will be at 900mm above existing ground level with the structures being raised on concrete plinths 750mm high, they will be well above any risk of flooding. The site is subject to "splash" flooding on a regular basis to a depth of 100 to 200mm, which normally lasts only a few hours while pumps work to clear the rhynes. The recent flooding event resulted in water depths of up to 400mm, but this is below the proposed height of panels. The road near Fosse Bridge was flooded in part to a depth of 250mm. The conclusion is that the proposal will have no effect on the frequency or amount of flooding on the site, it will not increase the risk of flooding to any other land or property and the proposal is not at risk of flooding. The matter of the sequential test is dealt with in Tables 1, 2 and 3 of the NPPF Technical Guidance. The majority of the site is within Flood Zone 3a. The development will either fall in 'Less Vulnerable' or 'Water Compatible' in the vulnerability classifications and from table 3 it will be seen that Development is appropriate.

This following section is longer than the other sections given the importance of this issue in the determination of the proposal:

The Ornithological Assessment sets out the reasons for the designation of the SPA, which relate to specific bird species being supported by the wetland. The survey of the site consisted of a specialist ecologist visiting the site at 15.00 hours and surveying for 3.5 hours in February 2014. This included some time in the dark. Fly-overs and landings were noted. The area had suffered unusually high rainfall for two months resulting in extreme flooding across the Levels. This flooding extended



across the SPA in the fields east of the site and the water extended into the central low areas of the project field causing about 40% flooding. Additionally it is accepted by the surveyor that a short survey of a few hours at a time when the Levels are flooded to a degree that has not been experienced in living memory may not yield sufficient data for a usable assessment.

The survey did not yield anything unexpected about the site. All species are common although two in the adjacent field are notable as they are highlighted within the SPA description. The flooding was drawing birds into the area, especially lapwing, that probably would not otherwise have been there as they were using the shallow water, that wouldn't normally be there, as a safe overnight roost. The project field does not have any outstanding features that would make it an important bird site (which is why it is not within the SSSI/SPA boundary), however the complex of grasslands, ditches, reeds and trees provides a rich habitat for wildlife that is typical of the Somerset Levels Natural Character Area.

Currently there is no evidence either way that birds are impacted upon by solar arrays in the UK and it is therefore understandable that there are concerns with a site so close to concentrations of important birds. Whilst on site the surveyor visited a bank (approximately 90 metres long) of solar panels a few fields away from the site at Nythe Farm. The owner had not suffered any bird strikes nor were there any corpses around the array. As the site was fenced no foxes would have been in to remove corpses though in theory an adventurous buzzard might. The surveyor also noted that the array was not reflective, being mainly black with just a slight sheen that was not comparable to the reflective nature of the water in the nearby fields. It was also noted that as dusk progressed the water in the survey field became considerably brighter in contrast to the surrounding land whereas the arrays would be much darker. Clearly angled panels will only reflect light from a given direction and will be less like water than structures that include horizontal reflective surfaces such as polytunnels and glasshouses.

It concludes that direct impacts upon birds currently and regularly using the site are likely to be low as the field itself has little diversity. Arrays will not impact upon any birds using the reed lined ditches or roosting in the trees but will impact upon birds that might use the field during wet periods. No nesting birds are likely to be affected. No impacts are assessed for problems of night-time reflections that is currently an unresearched factor.

The archaeology report concludes that the proposal site occupies part of a significant historic landscape characterised by long narrow enclosures formed during the reclamation and enclosure of Hasky Moor by the Dean & Chapter of Wells shortly after 1268. The unique character of this part of West Sedgemoor is further enhanced by juxtaposition the distinctive later enclosures to the south and east of the site formed during parliamentary enclosure of the remainder during the 19th century and the existence of the 'islands' of Thong and Nythe which may have supported early habitation. Little evidence of early occupation of the site or its surroundings has been identified, but Bronze Age pottery recovered during the construction of a pipeline to the west of the site may be indicative of prehistoric settlement in the near vicinity. The nature and scale of the proposed development is considered to have the potential to have adverse visual impact on the historic landscape which currently retains an understandable form and continuity of function. The impact is considered to partially mitigated in the locality of the site by the flat

form of the terrain and low height of the development and the inclusion of extensive planting of trees as a visual buffer; however the development will remain obtrusive and incongruous when viewed as a whole from the elevated land to the north and south and this is likely to moderately affect the significance and understanding of the historic landscape. There is no evidence for the existence of significant buried archaeological remains on the site, but this does not rule out the possibility in the elevated portion of the site to the north. Due to the limited intrusive nature of the groundworks associated with the proposed development the direct impact is considered to be minimal.

The Traffic Management Plan suggests that the construction will be carried out within a 5 week period, details of the types and numbers of vehicles involved is given, with the route being from the Chard direction, along the A358, the eastwards along the A378, turning north to follow the West Sedgemoor Road, past Chestnut Farm to the site. The largest number of lorries in one week, will be in week three, when 12 will access/exit the site. In addition there will be up to 12 construction workers who will be brought to/from the site by 4 no vans using car-share.

The ecology report concludes that the field was of low ecological value in itself although part of a landscape with field drains and rhyes creating a network of ecological value. It is close to a number of protected sites, the Somerset Levels and Moors Ramsar and SPA sites, Fivehead Woods and Meadows SSSI, the Fivehead Arable Fields SSSI, North Curry Meadow SSSI and West Sedgemoor SSSI, SPA and Ramsar site; the survey concluded that there would not be a direct impact on the adjacent protected areas. The report noted that objections raised 2 main issues, the possibility of wintering birds mistaking the arrays for open water and attempting to land on them, causing injury or death and secondly the possibility that invertebrates seeking water bodies by looking for horizontally polarised light will be attracted to the arrays and deposit eggs on them, thus reducing the breeding success of rare invertebrates known from the Somerset Levels. "It is acknowledged that these are valid concerns, although it must be stressed that there is very little evidence to support either theory." The report suggests that there is more to be gained by monitoring the impact of the development than by refusing it. A post construction monitoring programme will be agreed with interested parties including the RSPB and implemented over a 2 year period.

#### Agent's submissions in respect of comments raised regarding the application:

A post Construction Monitoring Programme for Invertebrates will be designed, run for a period of three years and results will be made public. An Ornithological PCMP will be put in place, run for three years and results made public. A mitigation strategy to protect and enhance wildlife will be produced. The mitigation measures required by the Drainage Board have been incorporated in the proposal. The operations should not cause damage to the PROW. Regarding comments from neighbours, the 'temporary' installation of agricultural membrane often occurs annually without requiring permission; no hedges or ditches will be removed; the site is well screened even when trees are not in leaf; there is no security fencing; there will be no glint and glare from the installation.

## **SITE DESCRIPTION AND HISTORY**

The field is nearly flat, with the slightly higher land to the north at 7.8m sloping

slightly to the south to 7.2m in the southern corner. The field is one of a series running north-west to south-east. There are some trees along part of the north-eastern boundary and a hedgerow along the north-western side adjacent to the Lane, otherwise the boundaries are marked by reeds and ditches. Pondpool Cottage lies to the north of the site, approx. 80m from the nearest panels. The applicant's property lies further north, approx. 150m from the nearest panels. Greenbrook cottage lies approx. 100m to the south of the nearest panels, with drainage ditches and the proposed landscaping between this property and the panels.

The site is approx 450m to the west the West Sedgemoor SSSI also known as The Levels and Moors Ramsar site/Special Protection Area; The North Curry Meadow SSSI is located approximately half a mile to the north east of the site. The site is in open countryside, not in close proximity to any large settlement, has several footpaths in the vicinity, including one which will be used as the access. There is a small area within Flood Zone 1, but the majority of the site is within Flood Zone 2 and 3. The use as solar array is considered to be a 'water-compatible' development and is appropriate within these zones.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*NORTH CURRY PARISH COUNCIL* - This amended application addresses the majority of concerns raised by the Parish Council in relation to the previous application, and North Curry Parish Council now support the granting of permission.

*SCC – TRANSPORT DEVELOPMENT GROUP* – The Highway Authority has no objection to this proposal subject to the following conditions:

Proposal/History – It should be noted that the Local Highway Authority issued 'No observations' to planning application 24/12/0044 on the 7th October 2013. Whilst it was not felt that the proposal would result in any significant detriment to the surrounding highway network during the construction phase, the current application, which appears to have doubled in size is considered to constitute input on the proposal submitted.

The application seeks the erection of 10,800 ground mounted photovoltaic panels and associated equipment. My comments are made from onsite observations and the information submitted supporting the planning application specifically, the Traffic Management Plan (TMPv1a) prepared by Solar South West (7th April 2014).

Access – It should be noted from the applicant's red/blue-line drawing that the application site does not meet the publicly maintained highway, so technically the proposal does not have a permitted means of access to the highway. Clarification will be needed with regards to the ownership of this section of land and whether the applicant has a right of access over this land. The appropriate notice will need to be served on the respective land owner.

In terms of vehicular visibility the access is positioned on the outside of a bend in a

location where it is considered that vehicle speeds are significantly reduced. As a result it is considered that the visibility available at the site access, which meets the adopted highway is acceptable.

### Traffic Management

Construction Traffic Route - Section 7. Traffic Route of the Traffic Management Plan (TMPv1a) indicates that construction traffic is to be accesses off of the A378 at the junction of West Sedgemoor Road.

The A378 also known as Langport Road is a designated class 1 highway to which the National Speed Limit applies. At the junction of West Sedgemoor Road I can confirm having consulted accident data records that there have been no known recorded incidents in this location within the last five years.

Access is then to utilise West Sedgemoor Road travelling north towards Helland. West Sedgemoor Road is subject to the National Speed Limit, however, it was observed onsite that vehicle speeds in this location are likely to be considerably lower that the allocated limit due to the constricted and sinuous nature of West Sedgemoor Road.

It is considered that the local highway network in this location is substandard in terms of width to allow for two-way vehicle flow. Furthermore, there are limited formal passing places along the duration of West Sedgemoor Drove to the application site (approximately 2.5km)

It is noted that there are highway structures along the proposed construction route which have been indicated below (in order from A378 to development site):

<u>Reference No.</u>	<u>Function</u>	
<u>Ownership</u>		
3220404 - Listock SCC	Road over Widness Rhyne (bridge)	
3230104 - Fosse Bridge	Road over Sedgemoor Old Ryne (bridge)	SCC

All highway structures will need to be considered with the proposed construction traffic management plan.

The sinuous nature of West Sedgemoor Road does give me some concern, however, onsite observations indicate that agricultural vehicles utilise this network given the operation of farming businesses within close proximity to the development.

As a result there is no objection to the use of this proposed construction traffic route, as the proposal represents an end use which will generate very little vehicle movements once complete. It is acknowledged that there will be disruption during the construction phase of the development however the submission of a detail Construction Traffic Management Plan should be submitted with the Local Highway Authority's approval to minimise any disruption.

Construction Traffic Volume - Within the Traffic Management Plan (TMPv1a) a spreadsheet (Appendix 1: Construction programme spreadsheet) has been provided detailing the levels of movements during the construction phase.

It has been estimated within that the duration of the construction phase will take place over a five week period, weather permitting.

Based on this information the proposal would average approximately 1-2 vehicle movements per day during this time frame. It is acknowledged that there will be spikes in the amount of vehicle movements per day (some more intensive than others), which is considered acceptable due to the temporary construction phase.

Condition Survey – The applicant should be aware that a Condition Survey will need to be carried out along the proposed construction route from the junction of the A378 along West Sedgemoor Drove to the site access (adopted highway). This will require the involvement of the Taunton Deane Area Highways Office who are contactable on tel: 08453 459155.

The Condition Survey should be carried out to ensure that any damage that occurs to the public highway and rights of way, can be directly attributed to construction vehicles associated with the construction of the photovoltaic park. In the event of any damage to the public highway, repair costs would need to be met by the applicant.

Signage – There is no mention with the Traffic Management Plan (TMPv1a) on how traffic will be managed notifying other vehicles or pedestrians in close proximity to the site. It is suggested that the use of temporary signage would be beneficial to notify other highway users of the construction operation.

Whilst there are no objections to the erection of temporary signage along the proposed route, the locations of such signage will need to be agreed in writing with the Area Highway Office if the signage is on highway land.

Post Construction – In terms of maintenance the photovoltaic park requires minimal attention, therefore traffic associated with the development once completed will be negligible.

*ENVIRONMENT AGENCY* - Provided, the Local Planning Authority (LPA) are satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to the inclusion of conditions.

*LANDSCAPE* - There will be some visual impacts from the PV panels, fencing and ancillary building in the short term as seen from Westfield Lane, Pondpool Lane, the public footpath that runs to the east of the proposals site and West Sedgemoor Road that runs east to west at the southern end of the site. However, the proposed landscape mitigation measures will significantly reduce those impacts over the next five years as the planting establishes. The willow biomass planting at the southern end of the site will provide good mitigation from one of the more conspicuous local vantage points.

*BIODIVERSITY* - The site is a 4 ha grass field with occasional wet patches with

small quantities of soft rush. As the site is located only a few hundred metres to the west of West Sedgemoor SSSI /SPA and Ramsar site, I suggest that Natural England and RSPB be consulted on this application. The intention is to erect the panels and perimeter security fencing around the site leaving a 9m gap between the development and the eastern and western ditches. Access to the site will be from Pondspool Lane from an existing field entrance.

Abbas Ecology carried out an Extended Phase 1 Survey of the site in May 2013. This report was updated in February 2014 addressing concerns about

- a/ the possibility of wintering birds mistaking the panels for open water
- b/ The possibility that invertebrates will be attracted to the panels.

An Ornithological assessment was also carried out by Kevin Cook in February 2014. Findings of the reports are as follows

Habitat The field is generally species poor - the main ecological interest being in marginal vegetation around the ditches surrounding the site and adjacent to the northern boundary hedge. I agree that the hedges and ditches are not threatened by this development.

Birds Kevin Cook carried out a survey of the site in February 2014. His survey did not yield anything unexpected about the site although he noted that flooding of the area was drawing birds into the area especially lapwing. He concluded that the arrays will not impact on birds using the ditches or trees, but may impact on birds using the field, if flooded.

Badgers The surveyor noted possible badger tracks and signs of foraging but no evidence of setts on site.

Amphibians and Reptiles The surveyor concluded that the ditches are likely to provide good habitat for amphibians. A grass snake was found by the surveyor basking on the margin of the western ditch. To safeguard amphibians and reptiles, a safety fence should be put in place during construction.

Otters and Water voles No evidence was found to suggest that these species are using the habitat in or near the field.

Aquatic Insects There is concern that polarised light from the panels could have an impact on flying aquatic insects, although I concede there is little evidence to date to support the theory. Monitoring of this site would help to provide valuable data, which could then inform future consideration of solar panels.

No invertebrate survey work was carried out on site due to the time of year. A visit to a solar installation close by at Nythe Farm however found no signs of dead invertebrates or debris on the surface of the panels, although it was acknowledged that rainfall has probably kept the panels clean.

I agree that should planning permission be granted, the impact of the development on birds and aquatic insects should be monitored for 3 years post construction.

The Bird monitoring programme should be designed by a specialist ornithological

consultant and developed in liaison with the RSPB. The aquatic invertebrate monitoring programme should be developed by an aquatic invertebrate specialist.

I support the recommended biodiversity enhancements I suggest condition

*DRAINAGE ENGINEER* - I note the comments made by the Somerset Drainage Board Consortium dated 1 May. Like the Board, I have no objection to the proposal as laid out in the FRA dated April 2014 and concur that a condition should be attached to any approval regarding the provision of an operational maintenance manual.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* – No comments received

*SCC - RIGHTS OF WAY* - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (footpath T 17/17). I have attached a plan for your information.

Any proposed works must not encroach on to the current available width of the footpath. We have no objections to the proposal, but the following should be noted: The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided.

*DIVERSIONS ORDER OFFICER* - If the lane known as Pondpool Lane is to be used for constructor's access to the proposed site, please note that the Lane carries the Public Footpath T17/17. As such adequate Health and Safety measures need to be put in place to raise the public's awareness of meeting construction vehicles.

*NATURAL ENGLAND* - Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

This application is in close proximity to the West Sedgemoor and North Curry Meadow Sites of Special Scientific Interest (SSSI).

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

*SOMERSET WILDLIFE TRUST* - We have noted the above mentioned Planning Application by Mr & Mrs Dennis as well as the supporting Environmental Impact Assessment and Statement provided by James Carthy & co. Ltd. We have also noted that both Natural England and the Council's Biodiversity Officer have commented on the Application. We would support their comments and particularly those by the Biodiversity Officer and her proposed Condition for Protected Species should it be decided to grant Planning Permission. We would request that this proposed Condition is included.

*RSPB EXETER* - We note that the proposal lies very close to West Sedgemoor Site of Special Scientific Interest (SSSI), which also forms part of the Somerset Levels & Moors Special Protection Area (SPA) and Ramsar site. West Sedgemoor forms a critical part of the SPA's internationally important non-breeding waterbird assemblage. The SPA as a whole regularly supports over 100,000 wintering waterbirds, of which West Sedgemoor regularly supports up to 60% of the total. In addition, the RSPB itself owns and managed over 550ha of the site as a nature reserve.

Our main concern with the proposal relates to potential collision risk impacts on waterbirds moving within the SPA and Ramsar site. The applicants still do not appear to recognise the importance of West Sedgemoor for waterbirds nor the potential sensitivity of the site in relation to this proposal. We have read the accompanying ornithological report and agree with the author that a single site survey on 19/2/14 is not adequate to determine use of the site and flyover activity by waterbirds using the adjacent Somerset Levels & Moors SPA and Ramsar site. We agree as well that winter 2014 was not a typical year for West Sedgemoor because of widespread, deep and prolonged flooding, and therefore waterbird activity would not have been typical of normal years.



We are conscious that the science regarding the impacts of solar arrays on birds and other wildlife is still in its infancy, yet there is growing evidence that waterbirds may be attracted to solar panels in some circumstances. Given the close proximity of the site to West Sedgemoor we would like to see a post-construction monitoring programme (PCMP) required as a condition of any planning consent. This should run for at least three years to allow any potential risks to waterbirds to be assessed.

We would be happy to help develop a PCMP with the applicants. This would need to include a regular search for bird corpses during the key winter months of December to February. We can supply an outline monitoring programme based on a previous Monitoring & Mitigation Agreement (MMA) agreed for a proposed Somerset wind farm. This will need input from a qualified ornithologist and the setting up of a steering group to oversee and evaluate the results of the monitoring programme.

In the meantime, the RSPB wishes to submit an objection to the proposal, though we feel confident that this could be overcome with an agreed PCMP.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - no reply to date.

*SCC - ECOLOGY* - no reply to date.

*SOUTH SOMERSET DISTRICT COUNCIL* - This authority does not wish to raise any objection to the proposal. However, the following comments by our Ecologist might be useful:

*I've noted the recommendations of TDBC's Biodiversity Officer (Barbara Collier) that include a condition requiring a monitoring scheme for birds and aquatic invertebrates. For the latter, I recommend the design of any such scheme will need to be given careful consideration if it is to be considered scientifically robust and worthy of sharing the results with any renewable energy industry bodies as proposed. Making casual observations (such as at Nythe Farm installation as noted in the Ecology report by Abbas Ecology) is unlikely to stand up to any scrutiny. The use of formaldehyde filled collecting trays (or lengths of gutter?) placed below some of the panels, and subsequent identification of collected specimens by an invertebrate specialist, would be more informative. However, with 10,000 panels, I don't know how one would decide which ones and how many to sample (perhaps the southernmost row that is closest to a greater number of ditches of potential importance to invertebrates?). The sampling would also have to ensure suitable timing in connection with likely invertebrate flight dispersal during suitable weather. A continuous 3 months over the summer may be the best way to ensure this.*

*Should the scheme go ahead with such an invertebrate monitoring condition, I'd be interested to see the proposed monitoring methodology and also the results in due course.*

*SOMERSET DRAINAGE BOARDS CONSORTIUM* - The site is located wholly

within the boundary of the Parrett Internal Drainage Board area and any surface water run-off generated will discharge into the Board's area, within which it has jurisdiction and powers over matters relating to Ordinary Watercourses. The Board's responsibilities require it to ensure flood risk and surface water drainage are managed effectively.

The Board does not object to the application if a Condition and Informative can be secured.

The Board has had limited contact from the applicant or the developer's agent to ascertain the Board's requirements and the Flood Risk Assessment (FRA) states access to the watercourses will be protected. The Board would have expected contact would have been made to confirm the Board's requirement for access to ID watercourses to be protected. If there is a need to undertake any additional access works to allow the proposals to be carried out or cabling works/fencing near any watercourse then Land Drainage Consent will need to be obtained for any of the watercourses within or abutting the site. Clearly the proposals indicate work will be proposed within 9.0 meters of the riparian watercourses abutting the site and the Board would require consent for any work or fencing or landscaping in the protection zone. The Board would also expect that the surrounding watercourse be maintained to improve the standard of protection before works commences on the proposed development.

## **Representations**

### 4 Letters of OBJECTION

#### Policy

- Contrary to Policy CP8;
- Contrary to planning practice guidance for renewable and low carbon energy (DCLG) specifically – take into account the potential impacts on the local environment, including cumulative impacts;
- There is no plan for solar parks in the Local Plan;
- DCLG guidance is clear that the need for renewable energy does not override environmental protections;
- Cumulative impacts, topography, heritage assets, and protecting local amenity need to be taken into account and are all detrimentally affected;

#### Character

- One of a number of historic fields which form a coherent group and strong feature –this should be preserved unaltered;
- Creeping industrialisation of the countryside;
- Precedent for other fields to be developed;

#### Alternative possible locations

- Should be at Nythe Farm along with the existing arrays;
- Should be on brownfield sites and/or roofs;
- Nythe Farm has light industrial uses including car repairs and has overhead electric supply, so is a more appropriate location;

#### Views/visual impact

- Will be visible from surrounding hills;

- New planting will be alien in this landscape;
- Dense and uniform hedges will be obvious;
- The fencing will be intrusive;
- The area is unspoilt and rural/will be an eyesore;
- The area is used by walkers and tourists whose interests will be damaged if the nature of the area is changed by this industrial installation;
- Loss of view;
- Environmental and visual impact on this Moorland;

#### Traffic

- The single track lane into Helland is unsuitable for contractor's vehicles;

#### Other

- Will not use local suppliers or local materials or provide local jobs;
- Applicant has been opposed to others' applications;
- The bird survey was insufficient to properly assess the situation;

1 letter of SUPPORT (from Pond Pool Cottage, the nearest dwelling to the proposal)

- Fully in favour of the proposal;
- This property is most directly affected, there will be some initial disruption and some impact on my view, but neither is a threat to quality of life or to the property;
- Wildlife will quickly re-colonise;
- There is already heavy agricultural machinery working the fields, and fertilisers in use in modern farming, there may be a benefit to animals and insects without ongoing interruptions;
- There is a need to find alternatives of producing electricity which do not destroy the environment;
- Need to be able to use renewable sources, and these solar panels have to go somewhere to be in a position to achieve energy.

The CPRE has objected to the proposal;

- It notes that climate change is a complex environmental issue, and solar energy can make a key contribution to reduce carbon emissions;
- Concern that the scale and location is at variance to TDBC policies;
- Concern that the Landscape Character assessment identifies the Clay and Peat Moors as an area to focus on conserving the distinctive wetland landscape but enhancing individual elements that contribute to landscape character;
- It will be contrary to Policy DM1 as the development will be detrimental to the appearance and character of any affected landscape due to the incongruous appearance of a large installation of solar panels;
- The site is adjacent to West Sedgemoor SSSI, large number of birds use this area particularly in the winter months;
- The high security fence will be a hazard;
- There should be detailed research on the impact of the proposal on birds in this area;
- Contrary to policy CP8;
- The site is flat and will be highly visible from the surrounding countryside.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
ROW - Rights of Way,  
EN12 - TDBCLP - Landscape Character Areas,  
EN28 - TDBCLP - Development and Flood Risk,

## **LOCAL FINANCE CONSIDERATIONS**

Not applicable

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Policy/Principle

The National Planning Policy Framework (NPPF) states that the purpose of planning is to contribute to the achievement of sustainable development. This should be with a social, economic and environmental role. In terms of its environmental role, planning should contribute “to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”. As part of the 12 principles of planning, the NPPF states that in moving to a low carbon economy, Local Planning Authorities should encourage the use of renewable resources (for example, by the development of renewable energy).

Paragraph 97 specifically states: “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”, going on to add that local policies “should maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”. As in previous planning policy, the NPPF indicates that the ‘need’ for the development should not be considered by the Local Planning Authority.

DCLG has also published “Planning practice guidance for renewable and low carbon energy”, which is a series of guidelines, the main points are that the effective use of previously developed land is encouraged, that if a proposal involves greenfield land, that it allows for continued agricultural use and /or encourages biodiversity improvements around arrays.

Taunton Deane Core Strategy states at Strategic Objective 1 (Climate Change) that “Taunton Deane will be a leader in addressing the causes and impacts of climate change and adapting to its effects”.

In terms of Taunton Deane Core Strategy, the proposal is located on land designated as open countryside. In general terms, development in these areas is restricted, unless they are for agricultural purpose or accord with other specific

development plan policies. The site is and within Flood Zones 1,2 and 3 and in the vicinity of the West Sedgemoor Site of Special Scientific Interest and the Somerset Levels and Moors Special Protection Area. Policy CP1 relates to Climate Change, Policy CP8 relates to Environment including the SSSI designation and DM2 relates to Development in the Countryside.

Policy CP1 (Climate Change) states that 'proposals for the development of renewable and low carbon sources of energy, including large-scale freestanding installations will be favourably considered provided that...their scale, form, design, materials and cumulative impacts can be satisfactorily assimilated into the landscape .... and would not harm the appearance of these areas; [and that their] impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal'. Policy DM2 Development in the Countryside gives the types of development which would be supported in the countryside, subject to specified criteria.

Policy CP8, Environment - "The Borough Council will conserve and enhance the natural and historic environment, and will not permit development proposals that would harm these interests or the settings of towns and rural centres unless other material factors are sufficient to override their importance.....Unallocated greenfield land outside settlement boundaries will be protected and where possible enhanced. Development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area. Development outside settlement boundaries will be permitted where it will:

Be in accordance with national, regional and local policies for development within rural areas.....

Be appropriate in terms of scale, siting and design; and

Protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements....."

In addition Landscape Character Assessment applies, along with the policy that within National conservation designations, it is not anticipated that any development proposals would adversely affect any SSSI designations.

There is a balance to be made between the need to provide renewable energy and the need for the protection of wildlife, the countryside and the nature and character of rural areas. There are occasions when the relevant policies are not in strict accord with each other and any assessment will result in the amount of weight given to a particular stance being questioned. Central Government has encouraged the provision of renewable energy and has emphasised the need to consider brownfield sites and roofs, but this does not prevent the consideration of other sites. The site is within one field, will have mitigation in terms of additional landscaping and bat boxes, and will be integrated within the immediate area.

## Drainage

The application site lies within an area that falls within all three zones of flood risk as the site slopes gently to the south. The aim of the Sequential Test is to steer development to areas with low probability of flooding and the basis for applying this is the Strategic Flood Risk Assessment (SRFA). The Taunton SFRA makes no

specific provision for renewable energy development as the former PPS25 guidance on flood risk did not require renewable energy schemes to undergo the Sequential Test. There are no identified sites for such development across the Borough. The flood risk vulnerability of the use is considered to be 'less vulnerable' and so the use would be acceptable in this location. In addition a site specific flood risk assessment has been submitted which locates any switching gear and transformer in an area out of the risk zone. The Environment Agency, Internal Drainage Board and Drainage Officer are all satisfied with the content of the Flood Risk Assessment and raise no objection subject to conditions.

### Impact on Wildlife

This is an important aspect of the proposal. Concern has been raised that the submitted survey of birds is insufficient to properly assess the potential impact on birds. The CPRE has raised several concerns, summarised above. Natural England has stated, that this application is in close proximity to the West Sedgemoor and North Curry Meadow Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. "We therefore advise your authority that these SSSIs do not represent a constraint in determining this application." On that basis the Local Planning Authority would appear not to be in a position to object to the proposal on the matter of potential detrimental impact on the SSSI.

The conclusion is that the installation of the proposal will not be to the detriment of wildlife in the area. The agent has agreed to three years of monitoring to fully assess this issue.

### Character of the area

In terms of the current proposal, it does allow for sheep grazing and the new areas of planting along with the boundaries should encourage biodiversity. The structures are now dark grey rather than green and these should integrate into the landscape. There will be a new hedge within the field which will be parallel to the public footpath on Pondpool Lane, which over time will help screen the arrays. The public footpath runs along the north-western boundary for approx 100m, and it is considered that the immediate visual impact will be minimal for that distance given the existence of the boundary hedge, the overall impact in the area is relatively limited. The arrays may be just visible from other footpaths in the area in both the near and far distance; any visual impact is much more limited. It is not considered that the proposal is detrimentally intrusive or will significantly alter or impact on the character of the immediate area. This site is in open countryside and this area is both open and also has areas of tree cover. Planting could take place at any time by landowners, and there are examples where clump and copse planting have occurred, especially around dwellings, and thus the implementation of the planting scheme may alter the immediate character of the area, but is it not considered to be to its detriment.

### Alternative sites

Whilst comments have been raised in relation to the suitability of this site and that other sites should have been chosen in preference. The Local Planning Authority has to consider each application submitted, and whilst other sites may appear more suitable they may not be under the control of the applicant. Large scale industrial roofs are often suitable, but the Local Planning Authority has to determine this scheme. There is no specific allocation in the Taunton Deane Core Strategy for locations for solar farms.

It is considered that this is a “large scale” installation in that it is a commercial development, not a scheme to supply an individual or specific building, however it is not as large scale as some schemes as it will be on a field approx. 4ha in area and the installation area is 1.8ha, and it is not on several fields. Nonetheless its potential impact has to be considered as stated in Taunton Deane Core Strategy Policy CP1, it is considered that the scale, form, design and materials are acceptable and can be satisfactorily assimilated into the landscape by means of the proposed additional landscaping. In this case it is not considered that there are cumulative impacts, as although there is small scale array east of Nythe Farm (196 in an area measuring 100m in length) this array is situated about 100m to the south of the current site, the sites are some distance apart, and the latter is on a much smaller scale. There is an array in the form of two rows of approx 54m in length with a total of 207 panels, these are immediately to the south of one of the large chicken sheds, to the south-west of the Farm. Given the relative small size of the Nythe Farm arrays and the distances between them, it is not considered that there is an adverse cumulative effect.

### Visual impact

There will be opportunity to view the arrays from the public footpath along Pondpool Lane, which is adjacent to the north-western boundary of the field. It is proposed to include the planting of a section of hedge to help screen the backs of the arrays from this position. The proposal is not considered to be visually intrusive from this location. There may be views from East Deane Way, but these will be interrupted views over some distance, and it is not considered that there is serious detrimental visual impact for users of this path. Users of the footpath which runs to the east of the site, may have glimpses of arrays as the intervening vegetation, including the reeds which can grow to over 2m in height, but on the whole there is unlikely to be any detrimental visual impact in the longer term as the proposed planting starts to grow. The residents in the property to the south, Greenbrook Cottage will have an area of willow coppice as screening to the north which will help screen the arrays. This, along with a distance of approx 100m from the arrays, is considered to mitigate any potential visual intrusion. In terms of views from further afield, there may be glimpses of panels from the hills to the south, but these will not be dominant in the landscape given the nature of the small fields and intervening vegetation. The arrays will not be noticeable for drivers using the road network due to intervening vegetation. The neighbour commenting on a loss of view is situated approx 230m away, and there are intervening trees to the site, and there are views over other fields which are unaffected. The proposal is not considered to be detrimental to the amenities of any residents nor to users of the footpaths or highways in the area. The proposal is not considered to have any detrimental impact on visual amenity.

### Access/traffic

Access to the site will be via A-class roads until the last section which will be on unclassified road running past Nythe Farm to Helland and thence North Curry. This lane is single track in places and not unlike other routes used by HGVs and other vehicles to access similar types of proposal. Agricultural vehicles frequently use these highways with few problems. The County Highway Authority has considered the proposal and notes the substandard access in part of the route, but does not object to the proposal. Conditions as requested have been added.

### Other

Construction jobs and use of local materials are not planning matters. Whilst the bird survey is limited and the RSPB is not content, English Nature (EN) has not objected, and EN is the statutory body responsible for the consideration of such matters. In the circumstances it is not considered that the Local Planning Authority would be reasonable to have an objection in this case. Each application is treated on its merits. There is usually objection to solar farms and often there is some impact to a section of the community, a balance has to be struck unless there are clear policy objections.

### Conclusion

Central Government's policy is to encourage the use and supply of renewable and low carbon development; Taunton Deane Core Strategy policy CP1 accepts large free standing installations subject to certain criteria, including potential impact on the landscape and CP8 seeks to protect the environment. Careful consideration has to be given between the overall benefit of renewable power installations to society as a whole and the visual impact to local residents and walkers using the public footpath which runs to the north-west of the site. There may be intermittent views of the arrays from nearby footpaths, but very limited views from further footpaths. It is considered that there will be little visual impact on the local roads and users of those roads. Most residential properties in the immediate area or other areas surrounding the site will not be directly affected, as the distances are such that the visual impact is significantly less than for walkers using the public footpath network. Thus it is considered that there will be no significant visual intrusion in this case.

It is considered that there will be insignificant change in the character of the area, given the size of the proposal and the proximity of Nythe Farm with its various buildings. The traffic generation will not be significant and not dissimilar to agricultural traffic. There is support from the Parish and the nearest neighbour. It is not considered that there will be any harm to the amenities of the local residents, and there will be a benefit in terms of renewable energy. It is considered that the scheme as supplemented is acceptable on this site.

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

**CONTACT OFFICER: Ms K Marlow Tel: 01823 356460**





25/14/0015

MRS L HORVAIS

**ERECTION OF CONSERVATORY (RETENTION OF WORK ALREADY UNDERTAKEN) AT 2 GLEN FROME VILLAS, NORTON FITZWARREN**

Location: 2 GLEN FROME VILLAS, WIVELISCOMBE ROAD, NORTON  
FITZWARREN, TAUNTON, TA2 6QT

Grid Reference: 319644.125815 Retention of Building/Works etc.

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Approval

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

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

(A4) DrNo 010414-01 Site and Location Plan

(A2) DrNo 010414-02 Plan, Elevation and Section

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

**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 and has granted planning permission.
2. It has been suggested that the extension may not have been built to building regulation standards. You are therefore advised to contact Building Control in order to seek further advice in relation to the matters that have been brought to the Council's attention.

**PROPOSAL**

The application seeks planning permission for the erection of a uPVC conservatory at the rear of 2 Glenfrome Villas, Norton Fitzwarren. The application is retrospective, with works having been completed at some point in 2012.

The proposed conservatory measures approximately 5.0m x 2.2m with a ridge height of 3.05m. The proposal has been erected between 2 no. two storey elements

of no's 1 and 2. The structure is of a white uPVC frame and glazed throughout.

## **SITE DESCRIPTION AND HISTORY**

The application site is a mid terraced dwelling house located within the centre of Norton Fitzwarren, South of the B3227. The properties along Glenfrome Terrace have gardens to the South, generally enclosed by brick walls and timber fencing. Numbers 1 and 2 both have two storey sections projecting to the rear. The properties benefit from vehicular access to the rear via a private track.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*NORTON FITZWARREN PARISH COUNCIL* - No observations received.

*PLANNING ENFORCEMENT* - No comment.

### **Representations**

1 letter of objection received from neighbouring resident, raising the following concerns:

- We had attempted to negotiate with the applicants as soon as we became aware of this development but they were not prepared to discuss the proposed work with us;
- We have since suffered severe water ingress as a result of poor groundwork preparation and inadequate drainage for this development. It manifested as dry (brown) rot appearing through our wall adjoining their property and conservatory;
- We have treated the symptoms but the cause is not accessible because there is no maintenance gap between our property and their conservatory. We suspect their (presently empty) property is now harbouring dry rot in this area;
- The severe winter weather caused a considerable volume of water to overtop our property's shared guttering. There is only one small down pipe serving both properties. We had no opportunity to upgrade the shared rainwater goods before this development took place and now cannot access the gutters and down pipes because the conservatory blocks access;
- We are advised by our solicitor to seek an Access Order in the County Court under the provisions of the Access to Neighbouring Land Act 1992. This would require removal of the conservatory and thereby give us access to rectify the substandard ground works and rainwater goods. However, this procedure has now been complicated by the property being sold, subject to contract, and the current owners having left the UK;
- As this development is in breach of planning rules as they existed at the time of its construction, we hope planning permission will be refused and that TDBC will require the conservatory to be taken down, subsequently removing the need for an Access Order to be sought in the County Court;
- We have no objection to it being replaced should all the problems be rectified adequately and with due provision to protect our adjacent property from further damage.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
H17 - TDBCLP - Extensions to Dwellings,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider are the impact of the extension upon visual and residential amenity.

The proposed conservatory is positioned between two storey elements to the rear of the dwelling house. It is modest in scale and cannot be readily seen from public vantage points. The design is simple and generally in keeping with the overall appearance of the dwelling house.

The extension does not adversely affect light, outlook or privacy afforded to the neighbouring properties and is acceptable in this regard. Notwithstanding, objection has been raised to the development from neighbouring residents. It is apparent that the conservatory has not been constructed in a manner that allows for rain water to be dealt with appropriately and it is therefore being suggested that the extension is the catalyst for the ingress of water, mould and rot within the neighbouring dwelling. Whilst I am sympathetic towards the impact of the conservatory on living conditions in the neighbouring dwelling, as is claimed within the letter of objection, such is not a matter that can be controlled by planning and is a matter for building regulations to investigate.

Having regard to the above matters, it is recommended that planning permission be granted. A note can be added to the Decision Notice advising the owner to seek advice from building control in relation to the issues raised by the neighbouring objectors.

**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**

35/14/0006

MRS P J LUARD

**CONVERSION OF THREE COTTAGES AND BARN TO SELF CATERING HOLIDAY ACCOMMODATION COMPLEX, TO INCLUDE GAMES ROOM, SWIMMING POOL, TERRACE, PLANT ROOM AND CONSTRUCTION OF TENNIS COURT AT STAWLEY WOOD FARM, STAWLEY.**

Location: STAWLEY WOOD FARM, STAWLEY ROAD, STAWLEY,  
WELLINGTON, TA21 0HP

Grid Reference: 306462.123052

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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:

(A3) DrNo X23/9A Location Plan  
(A3) DrNo X23/10 Block Plan  
(A3) DrNo X23/12 Landscaping  
(A3) DrNo X23/13C Proposed Elevations 1  
(A3) DrNo X23/14B Proposed Elevations 2  
(A3) DrNo X23/15D Proposed Elevations 3  
(A3) DrNo X23/16C Proposed Proposed Cottage Plans  
(A3) DrNo X23/18C Proposed South and West Elevations of Cow Shed and Modern Barn  
(A3) DrNo X23/19B Plan of Proposed Swimming Pool  
(A3) DrNo X23/21 Proposed Tennis Court  
(A3) DrNo X23/20A Proposed Link Building

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

3. (i) 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. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

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.

- 5. The ancillary accommodation and amenity buildings hereby permitted shall be used solely for the benefit of the holiday lets and not for any other commercial or business use without the prior approval of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice amenity within the locality and continues to support the holiday accommodation business in accordance with Taunton Deane Core Strategy Policies DM1 and CP4.

- 6. Prior to its implementation, a detailed external lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the use of the buildings to be converted is first commenced and shall thereafter be so maintained. No other external lights shall be installed without the further grant of planning permission.

Reason: To ensure the development does not adversely impact upon bats that are known to use the site and its surroundings, in accordance with Taunton Deane Local Plan Policy CP8.

- 7. Before any works commence for the construction of the tennis court hereby

permitted, a plan indicating the position, design, materials and type of boundary treatment to be erected around the court shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be completed before the use hereby permitted is commenced and shall thereafter be maintained as such.

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.

8. The occupation of the bedroom to be provided within the East range of the buildings shall be occupied for holiday purposes only, in conjunction with the use of the existing complex and at no time shall it be occupied as an independent unit of accommodation.

Reason: To prevent the creation of new residential units in open countryside locations, which would conflict with Taunton Deane Core Strategy Policies SP1, CP4 DM1 and DM2.

#### 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.
2. You should ensure that the existing foul drainage system is in a good state of repair, regularly emptied and of sufficient capacity to deal with any potential increase in load which may occur as a result of this proposal. If it is found that a new system is necessary its discharge will require the consent of the Environment Agency.
3. 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.

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.

## **PROPOSAL**

The application seeks planning permission for the conversion of agricultural buildings to a games room, bedroom, utility and swimming pool together with works to create a new tennis court, a garden terrace and external alterations to existing buildings.

The games room, utility and bedroom will be located within a large stone building that forms the eastern range of the complex; New internal partition walls will be erected and a first floor created to the northern section of the building to create a first floor apartment. Existing openings will be in filled with timber cladding and timber fenestration; such is also the case with a small link extension between the North range of bedrooms and the games/utility building to the East.

The proposed swimming pool, plant room, store and bio mass pit will be located within a portal frame building to the Southeast corner of the site. The building will be blocked up and finished with stone and render with glazed openings to the South and West elevations.

A small garden terrace will be formed to the South where there is an existing vegetable plot and lawn. A patio area with pergola will be erected to provide informal sitting areas. The internal courtyard is to be landscaped as to provide further outdoor amenity space. Existing parking spaces will be utilised with an additional four being provided within the site.

The proposed tennis court will be erected on land North of the farm house. It will be set into the sloping hillside through cut and fill. Details of any fencing have not been provided at this stage.

The application is supported by an economic appraisal of the proposed business together with a wildlife report and structural assessment of the building.

## **SITE DESCRIPTION AND HISTORY**

Stawley Wood Farm is an isolated property situated within open countryside and the dispersed hamlet of Stawley, with the larger village of Appley to the Southeast. The site comprises a large dwelling house with annexe accommodation and residential units within linear converted agricultural buildings; these buildings are constructed of stone walls and slate roofs with timber fenestration. To the East of the main house is a small group of agricultural buildings still in use for the storage of materials and machinery; to the North is an isolated stone building that was granted planning permission, LPA reference 35/10/0001.

The planning history at Stawley Wood Farm includes:

35/00/0004 - conversion of barns to 3 dwelling houses - conditional approval;  
35/01/0005 - conversion of barn to amenity centre for guests (dwellings granted permission were to be used initially used as holiday lets) - conditional approval;



35/01/0013 - extension and alterations to barns to be converted to 3 dwellings - conditional approval;

35/04/0007 - removal of condition 03 of permission 35/01/0005 to allow amenity centre to be used as a pottery/gallery for occupiers of holiday lets and local community - conditional approval for combined use.

35/10/0001 - erection of agricultural building - conditional approval

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*STAWLEY PARISH COUNCIL* - In terms of the principle of the development, there is no Planning Statement seeking to justify the application against local and national planning policies. Policy DM2 3a of Taunton Deane Borough Council's adopted Core Strategy supports development in open countryside for holiday and tourism uses for:

*"Accommodation within existing buildings where there is an identified need, is compatible with and supports economic diversification of existing farming and service enterprises."*

The economic assessment accompanying the application does not, in the Parish Council's view, provide an adequate justification for this development in terms of policy DM2 of the Core Strategy for the following reasons:

- It relies on a report on Farm Tourism that is 12 years old and standardized marketing material from a company, Unique Home Stays, which is clearly seeking to manage the development once it is complete and cannot be considered an 'independent' source. TDBC's own Core Strategy, adopted in 2012, states that: *"Recent evidence suggests that the growth of new build and other holiday homes is outstripping demand resulting in reduced viability for established enterprises, unnecessary visual impact on the countryside in nonsustainable locations...."* (paragraph 6.19). A recent economic viability report from Chesterton Humberts accompanying a planning application for an agricultural dwelling in Stawley Parish (planning application 35/14/0007) concludes that: *"Market evidence in the South West has reached saturation point with the demand for holiday letting units reducing or stagnating over the last few years. This is due to a range of factors including changeable; weather conditions and an over-supply of self-catering units outside the main season"*. This directly contradicts the economic assessment accompanying this application and the Parish Council believes that, anecdotally, there is probably already an oversupply of this type of accommodation in the local area;
- There is no attempt to explain how the proposed development would support the economic diversification of an existing farming or service enterprise.

Without clear and independent evidence of the need for this development and how it will support existing farming and service enterprises in the area, the Parish Council believes that the application is contrary to policy DM2 of the Core Strategy and should be refused.

The Parish Council also has the following detailed comments to make on the plans:

- Although the applicant has clarified that there is no intention of holding commercial weddings or similar large-scale events at this location, TDBC should seek to enforce this via planning condition in the event that it is minded to grant planning permission. Planning permission attaches to the land and not to the applicant, so there is no guarantee that a future owner would take the same view. Given the location of the site and the fact that access to it is via narrow single track roads, it is not capable of hosting large scale functions without causing severe disruption locally;
- The applicant's claim that the development will not result in any significant increase in traffic is not credible. Three existing cottages, currently occupied as long-term lets, will be replaced by accommodation for around 16 people in nine bedrooms with an additional caretaker and two cleaners who will not be located on the site itself. With a regular turnover of visitors and the necessary servicing of the facilities, traffic is bound to increase over existing levels;
- Despite the applicant's assurances regarding noise, no concrete measures have been proposed to ensure that disturbance isn't caused to neighbours in what is currently a quiet, rural location. Given the nature of the proposed accommodation, which is designed to cater for large groups/parties as demonstrated by the fact that there is one communal kitchen, there is likely to be a considerable increase in noise compared with the existing use and this would be throughout the week and not just at weekends. Should TDBC be minded to approve this application, appropriate noise conditions must be imposed;
- The cottages are currently used for long-term letting and their conversion to holiday accommodation will result in a reduction in the stock of private and (relatively affordable) rented homes in the parish. This is of particular concern to the Parish Council which is currently investigating the need for more affordable accommodation in the local area to help create a more sustainable rural community;
- The tennis court is located on a greenfield site and will be highly visible particularly from the adjacent public footpath. Alternative locations should be considered for the tennis court and the proposed landscaping improved ;
- The large folding windows proposed on the south side of the barn building to be converted will be highly visible from the road leading from Appley and add to the visual intrusion already caused by the solar panels on the roof of this barn;
- Given the increase intensity of use of the site, we believe further investigation should be undertaken about whether the existing septic tank and foul drainage system has sufficient capacity;
- As there is no on-site accommodation provided for a caretaker, the premises will be unmanned and potentially insecure at night-time, particularly when there are no holiday-makers in residence;
- There is concern about the loss of an existing farmstead as a result of this development. Planning permission has already recently been granted for a new farmstead in Stawley Parish and the Council is concerned that this development could be used as a justification for further farmstead development encroaching into open countryside.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to standing advice. Standing advice requires:

Parking - 3.5 spaces for a 4 bedroom unit (9 space equivalent for 9 bedroom unit).

TDBC DIVERSIONS OFFICER - The proposed development does not interfere with the line of Public Footpath WG11/8 but, subject to planning consent, there will be an increased use of the access track carrying a length of footpath from the County Road. Therefore adequate health and safety measures should be put in place making would be pedestrians aware of construction traffic.

## **Representations**

1 letter of objection reiterating the issues and concerns raised by the Parish Council.

4 letters of objection raising the following planning related matters:

- The proposed holiday complex of 9 luxurious bedrooms as one unit will undoubtedly lead to an increase in traffic, not just with potentially 18 guests but the pool maintenance, wood deliveries for the biomass plant, food deliveries etc;
- More of this traffic, with little understanding of suitable speeds around these narrow lanes, will increase the risks to the type of farm and rural traffic they will encounter (children, sheep, dogs, horses, wildlife, tractors, trailers and elderly drivers.)
- The existing junction visibility and condition of the access track do not appear suitable for increased traffic;
- Stawley is an exceptionally quiet and rural environment. Stawley village and its immediate environs have some 8 houses (out of a total of 16) which are farmhouses with outbuildings, all of which have the facility to convert to a similar style of enterprise. We are concerned that this complex would set a precedent for such developments which would completely change the character and fabric of the area;
- Such complexes in an isolated area will attract party goers, adult family groups and stag parties. Stawley Wood's location, prominently overlooking the valley and the village may allow disturbance and noise to travel. The risk of this may increase if the venue becomes attractive for wedding receptions in the future;
- Where the tennis court is being proposed is in a green field site on a very steep slope next to the footpath. The plans show little detail of the sizable earth movements involved or the drainage that would be required. We query why the tennis court cannot be sited to the East of Stawley Wood farmhouse where the rest of the holiday complex is being proposed and where the land is flatter and available;
- With the redevelopment of all the barns at Stawley Wood from agricultural use, we are concerned that more barns may need to be built in the future, in order to farm the 100+ acres at Stawley Wood;
- As a result of the inherent nature of large groups, there is likely to be considerable noise. As noted in the Design and Access Statement this is an "extremely rural" area and noise carries, especially in the evening. We note the applicant states that he will curtail noise but it is difficult to see how this can realistically be achieved when provision is made within the scheme for "dining al fresco";
- From professional experience in planning matters, it is considered that the application is lacking in detail and insufficiently robust for a proposal of this complexity and scale;

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP8 - CP 8 ENVIRONMENT,  
NPPF - National Planning Policy Framework,

## **LOCAL FINANCE CONSIDERATIONS**

The scheme includes a new mezzanine apartment; the application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £4,000.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider are the principle of development and the impact upon highway safety, character and appearance of the area, amenity and wildlife.

### Principle of Development

The Parish Council and local residents have raised a number of concerns with regard to the proposed development. With regard to the principle of the holiday let business, it should be noted that planning permission is not required for the use of the three existing cottages as one large holiday let, with the use falling within the previously permitted residential development (Use Class C3); the internal conversion of the three cottages into one unit does not require planning permission either. Further, an extant planning permission remains in place for the use of the southern range as a guest amenity area as previously permitted and such provides a fall back for part of the scheme where a communal resident area is to be provided.

Having regard to the above situation and historic planning uses at the site, it is considered that principle of the development is acceptable given that the partial use of the site is extant. Nonetheless Core Strategy Policy DM2 (3.a) supports holiday and tourism accommodation within existing buildings where there is an identified need and it supports farm diversification; whilst the application hasn't identified a need for accommodation within the area, the proposals are considered to be acceptable given that the use is already extant at the site.

The conversion of the remaining buildings to swimming games and ancillary uses will provide added amenity value to the business. Additional facilities such as those proposed will help to improve the occupation of the premises by increasing the attractiveness of the site. This is considered to be a suitable re-use of the buildings and is supported in principle.

### Highway Safety

The Highway Authority have not submitted any formal comment in relation to the proposals and refer the LPA to their Standing Advice document. Of this advice, parking standards are considered to be the only relevant section. The proposed ten parking spaces is considered to be sufficient and if more were required there is space within the site to provide such.

The proposals may lead to an increase in vehicle movements along the access track, over the access with the public highway and along the rural highway network. Concerns in this regard have been raised. In general terms approximately 8 to 12 movements per day are made by any one dwelling house and therefore the existing accommodation could give rise to some 24 movements per day under the extant permission. The proposed alterations to the cottages could be made without planning permission and therefore the increased occupancy cannot be given significant weight.

Notwithstanding the above, the use of a holiday complex such as this is different to open market housing; it has potential to provide greater self containment with fewer trips off site, particularly where facilities such as the swimming pool and games room are provided. If there is an increase in vehicle movements, then it would not be a significant number of additional trips.

Visibility over the access onto the public highway is somewhat limited, but given that the local highway network is not heavily trafficked and that there will not be a significant increase in movements, highway safety will not be compromised to an unacceptable degree.

#### Impact upon character and appearance of the area and buildings

The proposals will make a number of alterations to existing stone buildings by providing additional and altered openings so as to facilitate the internal conversion works and access to outdoor areas. These works are somewhat limited and I am mindful that the site has a rather domesticated appearance since conversion.

The new opening within the Southern elevation of the communal building may be visible from glimpses along the highway to the South; however it will be largely screened by vegetation. This is also the case for the increased use of the lawn and terrace to the South. Within the landscape, the increased domestication of this area will be viewed in conjunction with the gardens of the main farm house and will not significantly detract from the character or appearance of the area.

The proposed tennis court will be available for use by both the occupants of the farm house and holiday lets. It will be located North of and slightly detached from the main building complex. Objection has been received with regard to this element of the scheme however within the wider landscape the tennis court will be rather inconspicuous. The farm house and holiday accommodation will screen it from any views available from the South whilst the topography of the surrounding landscape will provide screening together with trees and hedgerows from other directions. The court will be seen from the public footpath running through the site but despite being detached it will retain a close relationship with the buildings to the South. An appropriate landscaping scheme will soften its visual impact and therefore on this

basis the proposals are considered to be acceptable.

### Amenity

Objections have suggested that the proposed holiday business, through increased occupation and use, will give rise to a disturbance to the surrounding area, including nearby residents.

The area is characterised as a peaceful rural environment but within the vicinity of the application site there a number of residential properties sporadically located within the landscape. The site will provide outdoor amenity space in a similar layout to that associated with the extant dwellings/holiday units. Increased occupancy will invariably increase noise levels however such is unlikely be significantly increased above existing levels.

In terms of noise disturbance, the internal courtyard area will naturally contain much of the noise disturbance, being completely enclosed by buildings.

In general, I do not consider the proposed development to result in significant disturbance and harm to amenity within the area and with the applicant and proprietor residing immediately next door to the site, issues such as noise are likely to be well managed.

### Wildlife

The submitted wildlife survey found evidence of bats within the buildings; of those requiring works a single bat was found to be roosting within the portal frame building to be converted to swimming pool, plant room and store. This building had its cladding removed in February 2014 and before doing so, the applicant provided an alternative roost in the form of a new bat box within a tree to the South of the site. Such works were undertaken in accordance with the advice guidance of First Ecology and the Council were notified of the works at before the building works commenced.

Bats were also found to be using the amenity centre for feeding. The submitted report is satisfied that the proposals is highly unlikely to result in the disturbance, killing or injury of any bats and that an overall loss of bat resting and shelter places would not occur. A Natural England license would not therefore be required.

Subject to conditions as recommended by the ecologist being applied, bats and other wildlife will not be adversely affected by the conversion of the buildings.

### Conclusions

The residential occupation of the site is already permitted as is the use of the Southern building as an amenity centre. The holiday let use of the site is therefore considered to be acceptable. The loss of agricultural buildings to alternative uses may result in the need for additional buildings at the site in the future however such will need to be determined on its own merit and from my observations on site; the buildings forming the application are no longer required for farming practice at this

time.

The re-use of unconverted buildings to provide additional amenity space and facilities is welcomed and, as noted above, will make the site a more attractive location for would be holiday makers. Highway safety, amenity and the character and appearance of the area will not be adversely affected to a degree that warrants refusal and bats and other wildlife species will not be harmed by the proposals.

Having regard to the above matters, 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**

38/14/0147/TEN

VODAFONE LTD

**NOTIFICATION FOR PRIOR APPROVAL FOR THE REPLACEMENT OF ANTENNA, CABINETS AND ANCILLARY EQUIPMENT AND INCREASE OF HEIGHT OF POLE TO 17.5M TO THE TELECOMMUNICATIONS MAST AT SHOREDITCH ROAD, TAUNTON**

Location: COMMUNICATIONS MAST, SHOREDITCH ROAD, SHOREDITCH, TAUNTON

Grid Reference: 323880.122805

Notification - Telecommunication

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

- (A3) DrNo 100 Location Plan
- (A3) DrNo 200 Site Plan as Existing
- (A3) DrNo 201 Site Plan as Proposed
- (A3) DrNo 300 Elevation 'A' as Existing
- (A3) DrNo 301 Elevation 'A' as Proposed
- (A3) DrNo 400 Antenna and Equipment Plan
- (A3) DrNo 500 Antenna Schedules
- (A3) DrNo 501 Antenna Schematic
- (A3) DrNo 502 Equipment Schedules

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

Notes to Applicant

**PROPOSAL**

The proposal is to modify the existing telecommunications mast to allow for a shared use and upgrade to 4G. This entails an increase in height from 15 to 17.5m which is normally permitted development that is subject to a prior notification procedure and the alteration of the antennae and dishes on the mast together with 3 cabinets at the base. This is a reduction in cabinets from 5 to the 3.



## **SITE DESCRIPTION AND HISTORY**

The site of this mast was controversial originally as it was erected under the previous permitted development rights despite adverse neighbour comments that it should be refused. An unauthorised mast was then erected that differed from the notification and an enforcement appeal in respect of that was dismissed before the applicant erected the current mast.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Representations**

1 letter of NO OBSERVATIONS

4 letters of OBJECTION on grounds of:

- Visual impact on Bilberry Grove and that it is an eyesore and has ruined pleasure in the garden.
- The original siting was unacceptable and increasing the height is less desirable than the original application.
- It is an unacceptable alien and obtrusive feature only 12m from a residential property which is not shown on the submitted drawings.
- Alternative site options have not been investigated.
- If the site is being cleared the cost of relocating would be reduced and this would be an opportunity to relocate the eyesore once and for all.
- There are new houses fronting Shoreditch Road which are closer to the existing mast.
- The mast has a poor location to existing dwellings with overbearing impact detrimental to their amenity contrary to policy and the visual impact of a higher mast would represent an even further intrusion to residents in the immediate area.
- Health concerns for children.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would not result in payment to the Council of the New Homes Bonus or CIL.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main consideration under the notification procedure is the impact of the siting and appearance of the proposed mast and antennae. In this instance the mast is not changing its location from that existing and the main change is the increase in height from 15m to 17.5m. The existing antennae are designed into the monopole and this will be the same for the new mast, although the number will increase to 5 and a

300mm dish is also proposed at a height of 11m. The latter dish in itself would be permitted development. The width of the pole will alter from 250mm to 300mm and the equipment cabinets at the base will be reduced from 5 to 3.

The applicant has advised that the NPPF encourages site sharing and that is what is intended in the current proposal. Alternative sites have been considered including the previously proposed Council site adjacent to the motorway, which the applicant deems unsuitable. Another mast at Haygrove House does not provide the required site coverage and other alternative sites were discounted as this would necessitate development of a virgin site close to the existing site to provide the optimum network coverage for customers in the area. The site complies with the guidance in the Health Protection Agency's independent Advisory Group on Non-ionising Radiation (AGNIR) and a certificate of compliance has been submitted.

A number of objections to the alterations have been received on visual impact and amenity grounds. The alterations to the appearance of the installation as described are considered minor and will enable the sharing of the mast and avoidance of a new mast elsewhere. The changes in height of 2.5m will not in my view cause any significant harm to the character of the street scene. The main issue is the visual impact over and above the existing installation. The comments quoted in objection from an Inspector related to a different mast to the current one. The changes to the appearance in terms of increased height will be visible to local residents. However the height increase is relatively minor and the issue is whether the impact on the gardens of the nearest Bilberry Grove properties is so severe to warrant refusal. It is not considered the height increase of 2.5m is such an adverse impact and so detrimental to amenity over the current situation that it should be resisted and consequently the proposal is considered to be acceptable and in line with Core Strategy policy DM1.

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

48/14/0010

MR & MRS A COURTNEY

**ERECTION OF AN AGRICULTURAL WORKERS DWELLING, DEMOLITION OF STABLES AND ERECTION OF EXTENSION TO AGRICULTURAL BUILDING FOR GENERAL PURPOSE AT THE WILLOWS, NOAHS HILL, WEST MONKTON**

Location: THE WILLOWS, NOAHS HILL, WEST MONKTON, TAUNTON, TA2  
8QX

Grid Reference: 325796.128465

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) DrNo 2462/01 Location Plan

(A3) DrNo 2462/02 Site Plan

(A1) DrNo 2462/03 House Floor Plan and Elevations

(A2) DrNo 2462/04 Barn Elevations

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

3. Prior to the commencement of the erection of any part of the dwelling or garage hereby permitted, a panel of the proposed stonework measuring at least 1m x 1m shall have been built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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 the commencement of the erection of any part of the dwelling or garage hereby permitted, a sample of the materials to be used in the construction of the external surfaces of the roof shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

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.

5.
  - (i) Before any part of the dwelling hereby permitted is brought into use, 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 following agreement with the Local Planning Authority, 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.

6. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

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.

7. Before any part of the development hereby permitted is commenced, detailed drawings showing existing and proposed site levels, floor levels and contours of the development site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions, additions or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: The Local Planning Authority are not of the opinion that the property could be further extended without resulting in an adverse impact on the appearance of the surrounding area, as set out in Policy DM1 of the Taunton Deane Core Strategy.

#### 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.
2. Note at request of Wessex Water:
  - New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from [www.wessexwater.co.uk/developerservices](http://www.wessexwater.co.uk/developerservices)
  - Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.
3. Notes at the request of Drainage Officer:
  1. Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. With reference to Condition 4 requiring samples of the roof material, please be aware that there are many other more appropriate alternatives to slate than that suggested and this should be taken into account when providing the sample roof tile.
5. As the proposal includes the use of a septic tank to treat foul sewage, percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage. The builder/developer should also consult the literature prepared by the Construction Industry Research and Information Association (CIRIA) regarding on-site sewage disposal and septic tank systems. The relevant leaflets can be found on the CIRIA website. Alternatively advice can be obtained from the Environment Agency on foul drainage systems.

## PROPOSAL

The Willows is situated at Noah's Hill, West Monkton. It is a block of land of approximately 2.15 acres, owned by the applicants, with a further 10 acres on the opposite side of the road, held on a Farm Business Tenancy. On the site is a stable block and agricultural barn, for which permission has been granted. Retrospective planning permission was granted in April 2011 for the siting of the mobile home for temporary agricultural worker's accommodation for a period of three years.

This application now seeks planning permission for a permanent agricultural worker's dwelling. This would be stone and grey tile construction providing three/four bedrooms and positioned in the field, to the north-east of the access (to the north of the mobile home). To the south-east of the dwelling, it is proposed to erect a garage in matching materials. It is also proposed to demolish the stable building and erect an extension to the existing agricultural building. This would involve a higher eaves and ridge level by approximately 900mm and would be of matching materials. The extension would occupy a larger footprint than the existing agricultural building and would provide indoor stabling and a farrowing unit.

In 2010, the applicants were using the site for the breeding of micro pigs, with a target of producing approximately 100 pigs per annum. In addition, the site was used for free range egg production, at that time with a small flock of 100 birds supplying eggs on a farm gate sales basis; small scale ornamental poultry breeding with a view to producing 100 per annum; and the breaking in of young horses/ponies, approximately 4 horses in the first year. (Figures taken from Appraisal and Business Plan in 2010).

Planning permission was granted for the mobile home in 2011 for the following reason:

*Members considered that it had been demonstrated that there is an agricultural need for a dwelling to be positioned on site while the enterprise develops. The enterprise has been planned on a sound financial basis and the tests outlined in Planning Policy Statement 7, Annex A have been complied with. The proposal is, therefore, considered to be acceptable for a temporary period of 3 years and will not impact unreasonably upon the amenities of neighbouring residents, highway safety or the landscape character of the area, in accordance with Policies S1, EN12 and M4 of the Taunton Deane Local Plan.*

During the processing of the application, additional information was requested regarding the livestock numbers now on site. The additional information received stated:

- The target of producing 100 micro pigs per annum was being met, although some pigs are being kept longer to provide replacement breeding stock for other farmers. The target is expected to be exceeded this year.
- The level of laying hens averages 120 birds, plus ornamental breeds of which, the applicants expect to breed and sell 200-250 this year. It is stated that these are now bought in as day old chicks, rather than hatched on site.
- No information is provided on the level of breaking and schooling horses being undertaken at the site.
- The business has been expanded to provide a "mobile petting farm", which offers educational, recreational, therapeutic and promotional services by taking a selection of animal to schools, care homes, shopping precincts, country fayres, private parties, etc
- It was proposed to expand with a small flock of pedigree Wiltshire Horn rare

breed sheep, with target expansion to 20-25 ewes. This has not occurred and there is only one sheep and two lambs on the site, which are used in association with the Petting Farm.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*WEST MONKTON PARISH COUNCIL* - Site outside village envelope, no other development on that side of the road.

- Three years ago retrospective permission was given for a mobile home/caravan. Argument made at the time was that a person needed to live at the site in order for the applicant's business plan keeping chickens and pigs to be fulfilled.
- Land taken opposite on FBT, proposed to be used to house the chickens or pigs. Mr and Mrs Courtney have rented this land to graze their two pet ponies.
- The local residents report that they have not seen farm gate sales taking place, nor has an 'eggs for sale' sign been seen at the entrance gate.
- The normal sounds and smells to be expected from an enterprise of the type described appear to be absent.
- The high security farm gate is padlocked unless the applicants are in attendance at the site. No-one appears to reside and stay at the caravan as the gate is seen to be padlocked from the outside more nights than not.
- Given the financial argument made in the application that a build on site would be the only affordable option, the size and description of the proposed house is far in excess of the fairly modest business described in the current business plan.
- The Parish Council is of the opinion that the building represents overdevelopment for the agricultural need described in the application.
- Given that much of the centre of West Monkton Village is in a Conservation area, and this site is only just outside it, the Parish Council is very concerned that any new build in the area should be sympathetic to West Monkton and its environs and to use appropriate materials.
- Protection and enhancement of the hedges around the site would be important to minimise visual impact.
- The dwelling described in this application does not seem to address sustainable issues, the walls should be of stone or brick (not reconstituted) that reflects the Quantock stone colours, the grey concrete tiles proposed for the roof are out of character, and should be replaced by genuine slate tiles.
- If permission were to be granted it is absolutely essential that an agricultural tie should be put on this dwelling.
- The Parish Council notes the site of the septic tank shown on the plan. If the house is built there, there will be a greater occupation of the site and therefore a significant need for the disposal of waste.
- It is not known what arrangements are made for the disposal of the waste from the animals described in the Business Plan, as no waste/manure store appears to be visible on the site. The location of the septic tank as currently drawn is at the top of the site, therefore run-off will undoubtedly make its way down the site and into the lake shown adjacent to the boundary of the applicant's land due to the lie of the land and the porosity of the earth in that location. The same would be true of pig and chicken waste. The lake drains into a drainage system that follows the open ditch the length of Blundells Lane before joining the Bathpool Drainage system.

- The applicant has indicated that he has funds of up to £122, 000 with which to build this house: it is the Parish Council's view that the house and large barn of the calibre described in the plans could not be built for that money.
- Despite the example of house prices quoted in the application documents, there are a great many properties currently available in Monkton Heathfield in the new development which cost substantially less than the £300,000 quoted, all within a maximum of 7 minutes drive from the site. It is the view of the Parish Council that the business as reported by the applicant does not require a dwelling house on the site, the needs of the business can be adequately met by the applicant living nearby.
- The application also includes a proposal to increase the existing barn, nearly doubling its size according to the drawing, and stating the use of the barn will be for general purposes. The original permission for the existing barn was granted with a condition that it was for agricultural and equine use in perpetuity. The Parish Council would strongly recommend the same agricultural and equine condition is attached to the extended barn, particularly in view of the reported history of noise nuisance and other activities that would not reasonably associated with agriculture associated with the existing buildings.
- Recent removal of trees on the boundaries has resulted in increased visibility of the site, and the proposed enlarged barn and the house on the location would be highly visible from the road in both directions.
- It is inconsistent to apply for an agricultural workers dwelling – which would therefore carry an agricultural tie - whilst in the same application seeking permission to remove the tie from the barn by doubling its size for general purposes.
- The gates to the site are large and set off the road by the required distance, but the fact remains that the entrance to the site if approached from West Monkton village is at the top of the hill and the turn into it is blind until level with the gates. Impact from traffic would be significant if the agricultural element and any associated retail sales are likely to be significant. This element doesn't seem entirely clear, but forms part of the justification for the build. The Business Plan as currently described would indicate an increasing amount of traffic to and from the site by delivery wagons, feed lorries etc which causes concern about the safety of the access. Narrow and steep access makes it difficult for lorries to access the site.
- This application would result in a significant change in the density and size of vehicles using this road (Red Hill/Noahs Hill). The Parish Council has concerns that the size of the site is insufficient to allow for the growth of the business over the next 3, 5, 10 years, and the application does not address issues of functionality and business viability in the longer term.
- The crux of the matter is whether the applicant needs to live on site or whether all conditions for the ongoing success of the enterprise and welfare of the stock can be met by living nearby ('AT ' or 'NEARBY'). It is the view of the Parish Council that the applicant has not made his case that it is necessary to be at the site 24/7. The quantity and type of livestock do not appear to be so fragile or unique that they are not able to survive in normal agricultural surroundings. There is no possibility of a farmer always being present 24/7 to watch out for foxes or other predators; suitable fences, cages and housing would be a better deterrent and a much cheaper option to the applicant.
- The Parish Council is of the opinion that the applicant has not demonstrated the case that he has to live on site, rather than nearby. He doesn't always reside and stay there now, and the animal welfare argument can be met by his living



nearby (as is the practice in many agricultural units), where affordable houses are available. The appellant appears to be using the agriculture exemption to build a house on land that would otherwise not be granted. Previous applications on this site have all been refused on the grounds of landscape impact and highways.

Subsequent comments - Confirm that the views submitted were the final views of the Parish Council.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to Standing Advice – Previous comments used -

The proposed development site lies outside any Development Boundary Limits and is therefore distant from adequate services and facilities, such as, education, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Policy S7 of the Taunton Deane Local Plan, and would normally receive a recommendation of refusal from the Highway Authority as a result.

However it is noted that the application is for an agricultural workers dwelling and therefore it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

In terms of the technical detail the applicant has indicated that by allowing this proposal it would reduce the level of vehicle movements as the applicant would not need to visit the site twice a day as indicated in the Design and Access Statement. However it should be noted that a normal dwelling would generate 8-10 vehicle movements per day. Reading the other documentation submitted as part of the proposal it is apparent that this site has a number of uses which potential generate an increase in vehicle movements. Although no details have been provided on the exact number of movements I have concerns that these uses would generate an increase in vehicle movement. From visiting the site it was observed that the approach roads are single width and sinuous in nature with high hedges either side of the carriageway. I do not believe that these approach roads are of sufficient standard to accommodate any additional vehicle movements.

I note that part of Design and Access Statement refers to previous applications on this site. One related to the erection of an earth-sheltered dwelling this proposal went to appeal where it was dismissed. The applicant has indicated that part of the appeal related to highway issues. These issues were dismissed by the Inspector as such the applicant feels that this appeal is a material consideration. In response to this although I note the Inspectors comments this appeal was in 1991 and planning and highway policy has significant changed since then as such any highway concerns should still be considered to be relevant. Raise objection.

*DRAINAGE ENGINEER* - Note that septic tank is to be installed to treat foul sewage. Percolation tests should be carried out to ascertain the required lengths of

sub-surface irrigation drainage. Environment Agency's consent to discharge to an underground strata is also required. With regard to surface water drainage, I note soakaways are to be utilised. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval.

*LANDSCAPE* - The position of the dwelling is not well related to the barns and will be visible through the gated entrance. I recommend, if it is to be approved, that it is moved further east and closer to the barns with a smaller garden area.

*WESSEX WATER* - New water supply connections will be required from Wessex Water to serve this development. Suggest note regarding application forms guidance and further information.

## **Representations**

Three letters received stating NO OBJECTION:

- One letter went on to say seems sensible use of land with no safety/access issues. No increased noise and disturbance. No overshadowing, overlooking or loss of privacy. Proposed house in keeping with surroundings and agricultural use is appropriate to area.
- One went on to say they look forward to Mr and Mrs Courtney becoming part of the village community, they will bring a business and young family that will benefit us all.

One letter of OBJECTION based on the following grounds:

- Concerns regarding incorrect address, query attempt to imply it forms part of the group of dwellings at Noah's Hill
- Council seems to be downgrading prestigious village with farming and it's inherited nuisances.
- Visitors would have to access by foot or vehicle at the top of a hill, road used as rat run.
- Allowing pig farm unreasonable to those who have paid much money and rates to live here. Query how many micro pigs sold as appeared to be a fad some years ago.
- Free range eggs available at three other nearby locations so no great need. Egg production with such limited land cannot be used as a planning reason.
- Query what poultry can be kept on such a small site, used also for equine. Have seen none of venture on site, which is visible from her garden.
- Query whether repairs are being carried out due to the smell of paint.
- Animals are of nature that can be locked up at night. Only occasional need for birthing of pigs, on such a small scale, would require occasional overnight stays.
- Mr Courtney's vehicle has been noted leaving site at 12.30am but not returning.
- Barn granted with conditions so could not be converted to a dwelling, now proposed to demolish, extend barn and build four bedroom dwelling.
- Agricultural workers dwelling planned for 4 bedrooms.
- Application states commuter movements to and from site kept to a minimum but

query how customers get to site.

- It is suggested that submission of accounts show enterprise is sustainable. So many larger farmers cannot make ends meet, query how can applicant on small area of land.
- Query outlet of septic tank and possible contamination to watercourse in village.
- Site is bounded on roadside by ugly fencing, not dense vegetation.
- Should not grant permission for a house as Mr Courtney cannot afford a house in this area. Houses are being built nearby at reasonable prices.
- Planning policy should create economic growth in rural areas. Query how much land available to business with all these buildings on 2.15 acres.
- Parish Council has consistently refused residential development on that site, including underground house that would not be seen. It is divorced from settlement and surrounded by farmland, at foothills of AONB. If approved neighbouring farmers may also apply for similar dwellings.
- Unreasonable that so many farmers are selling land for housing development that residential area of West Monkton should suffer nuisances of a small pig and chicken farm.

#### FURTHER INFORMATION RECEIVED FROM AGENT:

- Livestock numbers comfortably exceed the numbers anticipated at the end of the three year trial period in the original business plan agreed by the Planning Committee in 2010. Wholly unreasonable for the Council to take the view that the functional test was not met at this time, when the livestock numbers and the activity on the farm exceeds the level of activity anticipated in 2010, which the Planning Committee accepted would meet the functional test.
- Query comments of Parish Council as different to what applicant was expecting comments to be having attended meeting. Queries whether comments properly reflect views of Parish Council. Requested clarification of PC views.
- Applicants have 5 year business tenancy with Kevin Chedzoy. The land was in the original application. The land is used for 1x pony and 1x horse. Also hay has been taken off the land for the past 2 years and will be again this summer. On occasions, goats and lambs have been grazed here too.
- The applicants put a sign out regarding egg sales in the very early stages, but this attracted unwelcome visitors to come into the property to look about at everything else - stock, farm machinery, etc. They did not put sign out again and do not need to, as they have built up a loyal customer base. The eggs are stored in tack room, so customers come right into our property; eggs are not exchanged at the gateway.
- What do they call normal sounds and smells? If you are walking from bottom of Noahs Hill you will hear the chickens/cockerels and sometimes the goats/lambs baaing, the adult pigs grunting and piglets squealing. However, these are not often because our animals are happy, well looked after and have the applicants around all the time (because they are living on site). I would be more worried if there is a lot of noise, as this means the animals are distressed and not getting the attention they need.
- Again, what smells are they looking for? The property is well screened and good husbandry is paramount. The only real smell is the pigs as their pens back onto the lane (Noah's Hill) where people walk. The animals muck/manure is either picked up daily and pens are thoroughly cleaned once a week. A tipper trailer especially for the waste is sited in the top left hand corner of the paddock that is

visible through the main gate - it has been in the same position for the last 4 years. The waste is taken between three allotments - the applicants have a key for Obridge allotments, Priorswood, Creech St Michael allotments and individuals at Hamilton Park allotments.

- With regards to the applicants not being on site because of the padlock on the gate at night, there is no visible padlock on the gate. There is always someone on site at night, only sometimes during the day when the applicants are out with the mobile petting farm but the applicants mother (an ex farmer) is there seeing to the animals.
- The Parish Council seem to be confused about the building. It is described in the application as being a general purpose agricultural building and that is what is intended. It is not intended to be used for industrial purposes and it should not be necessary to impose a condition restricting its use, because any non-agricultural use would require planning permission in any event.
- Temporary agricultural worker's mobile home was permitted by Council in 2011. The Council accepted that application complied with advice set out in PPS7, Annex A, confirmed by minutes of meeting.
- Misunderstanding of activities being undertaken. Activities being undertaken are not less than set out in business plan in 2010.
- 2010 business plan based on 5 sows, 1 boar producing 100 piglets per annum. Now 6 sows, 2 boars that will produce in excess of 100 micro-piglets in current financial year. Many sold, some retained as replacement breeding stock for farmers. Exceeds what was set out in business plan, which was agreed by Council.
- In addition to farrowing, pigs need careful monitoring when castrated and cannot be done without worker being on site around clock at these times.
- Two elements of poultry – free range egg production and ornamental breeding. Business plan reported flock of 200 layers plus ornamental breeds and that it was intended to keep below 350 bird threshold where DEFRA become involved. Ornamental birds in great demand, sold at point of lay so considerable turnover of stock. The suggested 60 birds on site was level present on that day, whereas applicants expect to breed and sell 200-250 in current financial year (2-3 times original target set out in business plan).
- No evidence to support view that alarms can be used to monitor hatchers and incubators. Not widely used in commercial poultry industry as not proper way of operating. Refers to appeals won on this point.
- Re-iterates that level of activity associated with micro-pigs and poultry has materially increased. Therefore wholly unreasonable for Council to refuse application on the functional test in view of position in 2011 and misleading advice on this point.
- Dwellings being built in Monkton Heathfield need to be suitable and available under Annex A.
- If a worker needs to be available at most times and short notice, need to be very close, e.g within sight and sound. Planning Inspectors may take wider view and area of search normally 500-600m. A dwelling in Monkton Heathfield is simply too far away to meet functional needs of enterprise.
- Social housing available in Monkton Heathfield only available to families on Council Housing Register and therefore not available to applicant. Two young children so require minimum of 3 bedrooms and minimum open market price is £199,9950 plus stamp duty. Whilst have some capital, would need a mortgage. Doubtful that business could sustain additional mortgage payments, additional travel costs and inevitable losses which would be sustained if worker was not

available at short notice.

- Further letter supplied from Mortgage Adviser indicating low borrowing capability based on net profit. Based on projected year end figures for 2013-2014, this could be increased (albeit still low), once latest figures were finalised and income verified.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP8 - CP 8 ENVIRONMENT,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £21,000.

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) £1,079

Somerset County Council (Upper Tier Authority) £270

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £6,474

Somerset County Council (Upper Tier Authority) £1,619

## **DETERMINING ISSUES AND CONSIDERATIONS**

Paragraph 55 of the National Planning Policy Framework states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. e.g the essential need for a rural worker to live permanently at or near their place of work in the countryside. It has been widely accepted that the most appropriate way of assessing this need is through the use of the former Annex A of PPS7 and following the LDF Steering Group in July 2012, the Executive Portfolio Holder for Planning and Transportation formally agreed that 'the Council continues to follow the criteria specified in PPS7, Annex A, as Council Policy when considering proposals for 'rural worker's dwellings' in the countryside'.

Paragraph 3 of the former Annex A sets out the criteria that applications for a new

permanent dwelling, which should only be allowed to support existing agricultural activities on well-established units, should be assessed against:

- (i) there is a clearly established *existing* functional need;
- (ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other planning requirements, e.g in relation to access, or impact on the countryside, are satisfied.

### Functional need

One of the main issues for consideration is therefore whether there is an essential need for a worker to be accommodated on the holding. A functional test is therefore undertaken in order to ascertain whether it is essential for the proper functioning of the enterprise for the worker to be readily available at most times, for example if he/she is needed to be on hand day and night. In assessing this, it is necessary to take into account whether the problems/emergencies are likely to occur during normal working hours (even if these hours are long). If this is the case, emergencies/problems can be dealt with as part of the day to day routine and this does not call for a worker to live on site.

It is important to note that this should clearly relate to an existing functional need. Planning committee resolved to grant permission for the temporary agricultural worker's dwelling in 2011 to enable the business to develop and in doing so, accepted that there would be a functional need provided the business was developed in line with the business plan.

The business plan stated a target to produce 100 micro piglets per annum and it is stated that it is budgeted to produce in excess of this figure in 2014/2015 as a result of the increase in sows to 6, rather than the proposed 5, which would marginally strengthen the functional need associated with the micropig element of the business. It is important to note that pigs generally produce 2 litters per year, which at the current numbers would result in around 12 farrowings per year, which is a reasonably low level of farrowings, with a limited risk of problems occurring that need essential care at short notice.

The limited amount of farrowings, being on average 1 per month, is not considered to be of a size that warrants a worker being readily available at most times. It is important to note that a competent stock man would have a good idea of when a sow is likely to farrow, and whilst many would farrow down in the day, if necessary he/she could return to the site to check the occasional sow that might farrow at night. Furthermore the large workload associated with feeding, cleaning, monitoring, treating with antibiotics, castration and associated monitoring, along with additional handling due to breeding for the pet market would all be carried out as part of the normal working day, rather than at night. As such, these tasks do not add to the justification of a worker being readily available at most times. Notwithstanding this, it

is important to note that the micro-pig activities now taking place on site are not any less than the level taken into consideration when committee determined the previous application. In addition, it is stated that the applicants expect to exceed the target of 100 micro piglets this year, which if achieved, would increase micro pig activities on the site beyond that set out in the initial business plan.

There are currently 120 laying hens on site, plus 60 ornamental poultry, although it has been clarified that the 60 ornamental birds are the level on site at that time and the applicants hope to produce 200-250 this year, as oppose to the initial target of 100 per annum. The daily activities associated with this level of poultry, including feeding, watering and egg collection are all activities that would be undertaken as part of a normal working day and do not necessitate a worker being readily available at most times.

The agent states that it is a necessity for an agricultural/rural worker to be on site at all times to prevent the chickens from being killed by predators such as foxes. It is normal to assume that chickens are shut up at night to protect them from predators and this would certainly be good husbandry. On this basis, they are at little risk at night and as none of the birds are housed within controlled conditions, there is no requirement for someone to be on hand to deal with any power/system failure, in order to prevent suffering. Whilst it is accepted that a small amount of eggs are likely to be incubated for the ornamental poultry element and young birds likely to be reared under heat, it is not stated that these systems are linked to an alarm. As such, even if a worker was living on site, a change in temperature is not something he/she would be aware of until checking the stock in the morning. Furthermore, due to the small scale of these enterprises, it follows that the risk of loss would be minimal. However, it is pertinent to note that the overall level of poultry on the site is not less than that on which the previous decision was based and that this is likely to be more if the additional targets of ornamental poultry are met.

The sheep enterprise, targeted at 20-25 ewes has not occurred and only 1 ewe and 2 lambs are present on site. Whilst this element of the business was small, it did contribute, albeit marginally, to the functional need. The submitted information states that additional income has been generated by breaking/schooling horses, although no quantities have been provided. However, as this would entail work that would take place during the course of a normal working day and not at night, this is not considered to contribute significantly to the functional need.

It is acknowledged that the Petting Farm is a new element of the business, which was not included in the initial plans three years ago. A great deal of feedback/letters from users of the petting farm have been submitted by the applicants in support of the proposal, which indicates that this is a successful element of the business. However, this involves simply keeping a low level of livestock, which are transported around to the schools, garden centres, fayres, etc, it does not involve any additional breeding or other such activities that would contribute significantly to the functional need. It is acknowledged that the animals may require additional handling to be of a suitable temperament and that the petting farm may involve some early mornings in order to load and transport the animals. However, the vast majority of the work undertaken as part of the mobile petting farm would be undertaken as part of the normal working day, albeit possibly a longer working day at times.

As such, there are several different enterprises being operated on the site, being

poultry breeding, free range egg laying, micro pig breeding, commercial equestrian activities and the mobile petting farm. Each part of the business is reasonably small scale and even when considered together, the vast majority of the work/problems/emergencies can be dealt with during a normal working day, albeit possibly a long working day.

With livestock, there will always be the occasion where emergencies may arise or problems require an animal to be carefully monitored, however due to the scale of the business on the holding, it is not, in my opinion, considered that there is a defined functional need.

However, it is important to note that concerns were raised by the case officer in the committee report in 2011, that there was no functional need for a worker to reside on site. Notwithstanding this, after hearing all of the evidence put forward, the Planning Committee resolved to grant permission, consequently accepting that there would be a functional need if the business was established in line with the business plan. The enterprise now on site, although this deviates from that set out in the business plan, is not deemed to operate with less livestock than originally proposed. Furthermore, if the additional targets for the micro piglets and ornamental poultry are met, this would increase activity on the site. Whilst the case officer has significant reservations regarding the functional need, the fact that the previous permission was granted is a material consideration. As such, taking into account the earlier permission, on balance, it is now considered difficult to resist the application before you on the grounds of a lack of functional need.

#### Financial Test

The financial test is a further important consideration. It is acknowledged that the business has been in operation since 2010 and the accounts for the year ending April 2011 showed a reasonable loss, followed by a very small loss in the year ending April 2012, which was stated to be due to the significant increase in stocking levels to generate increased future sales revenue. The year ending April 2013 showed a reasonable profit, despite the significant expenses incurred in modifying the lorry for the mobile petting farm and the projected figures for the year ending April 2014 indicate a further improved profit.

As such, it has been demonstrated that the business has been operating for over three years and been profitable for at least one. On the basis that the loss has been reducing and the profit rising over the last few years, it is deemed that the business is heading in the right direction. As such, it is deemed that the business appears currently financially sound and has a prospect of remaining so.

#### Functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area

It is acknowledged that there is a level of activity associated with the business. The agent states that the applicants have a dwelling 3.2 miles away, which is not considered an excessive distance to travel to be able to operate the business on a daily basis, returning to the site for a night time check on the rare occasion that this may be necessary. However, it is acknowledged that it would be more beneficial for the agricultural worker to reside closer to the site, in order to pop back to the site as and when necessary after normal working hours.



The agent has provided an example of a four bedroom property for sale in Mead Way, Monkton Heathfield. It is acknowledged that a property of this nature would be beyond the affordability of an agricultural worker, as would a large proportion of other dwellings in close proximity to the site. However, it is important to note that there are a great deal of properties newly built and currently being built at Monkton Heathfield, which would take only approximately 5-10 minutes by car. This is a significant change in circumstances since the previous application was determined in 2011 and these new dwellings are available in a range of tenures to meet a range of budgets, including affordable housing.

The agent states that the applicants would not qualify for social housing. Having discussed the matter with the Council's Housing Enabling Officer, it is accepted that the applicants would not qualify for social housing as they are current homeowners. It was initially envisaged that as the open market housing covered a range of budgets, a three bedroom dwelling to meet their needs could be found amongst these. The agent has however provided additional information following the applicants meeting with a Mortgage Adviser. This indicates a very low borrowing capability based on the net profit for the year 2012/2013. Whilst he acknowledges that this could rise in the future, subject to verification of the figures for 2013/2014, the resulting mortgage obtainable remains low. As such, even with the sale of the applicant's existing dwelling and the consequent release of capital, the lowest priced three bedroom dwellings available at Monkton Heathfield would remain outside of the affordability of the applicant. As such, it is not considered that the needs of the enterprise could be fulfilled by other existing accommodation in the area.

#### Other planning requirements

During pre-application discussions, despite concerns being raised regarding the principle of a permanent agricultural worker's dwelling and whether the relevant criteria could be met to justify a dwelling, comments were provided on the siting and design of the proposed dwelling.

Concerns were raised regarding the siting of the dwelling and it was suggested that this was re-sited so that it was grouped more closely with the agricultural buildings. Whilst the dwelling has been repositioned marginally further to the south, this remains some distance from the existing buildings and as the Landscape Officer has stated should be repositioned closer to these to reduce its prominence in the landscape. Whilst the current positioning is far from ideal, it is considered that this could be improved with an appropriate landscaping scheme and a condition to this effect is recommended. As such, on balance, the positioning of the dwelling is not considered to warrant such harm to the character of the landscape that would warrant a refusal.

In terms of materials, traditional materials were suggested at the pre-application advice stage. The use of natural stone to the walls is considered an appropriate material to the rural character of the area, however the use of Stonewold II Grey tiles (a concrete slate) would not be considered an appropriate material and there are many other more appropriate alternatives to slate, which reflect the appearance of slate more closely. As such, a condition is recommended requiring samples of the roof material to be approved.

With regard to the size of the dwelling, although this appears somewhat large, the dwelling amounts to approximately 186 m<sup>2</sup> including the office and boot room. This is of a size in line with other agricultural workers dwellings that have been permitted within the Borough and is not deemed to constitute a reason for refusal.

The extension to the agricultural building is approximately 1m higher than the existing building and the footprint is larger than that of the existing agricultural building, which was stated to be to accommodate the lorry used for the mobile petting farm. Whilst the increase in height is not ideal, the resulting building would be reasonably well screened by the well established roadside hedge, would reflect the materials of and relate well to the existing building. As such, although large, it is not considered to result in excessive harm to the appearance of the surrounding area that would warrant refusal.

In terms of highway safety, whilst it is acknowledged that the approach roads are narrow and do not provide an ideal access to the site, the land is agricultural land and therefore the agricultural activities, that are likely to generate additional traffic, can be undertaken on the land without the need for additional planning permission. It is not considered that the erection of the dwelling and extension to the agricultural building would result in such an increase in traffic flows that would result in detriment to highway safety.

Concern has been raised by a local resident regarding allowing a pig and chicken farm on the edge of the village of West Monkton. From a planning point of view, the land is agricultural land and therefore no planning permission is required to undertake an agricultural activity on that land. As such, limited weight can be attributed to these issues.

### Summary

In conclusion it is considered that sufficient information has been provided to demonstrate that the application should be recommended for approval, taking into account the previous decision of the Council. There are not considered to be other material considerations such as design or highway safety that would warrant refusal of the application.

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

**CONTACT OFFICER: Mrs K Walker Tel: 01823 356468**

**E/0174/30/13**

**UNAUTHORISED ILLUMINATED SIGN FOR MCDONALDS RESTAURANT,  
TAUNTON DEANE SERVICES, M5 SOUTHBOUND, PITMINSTER, TAUNTON**

**OCCUPIER:**

**OWNER:** MR G NEVILL  
PPL (NORTHAMPTON) LTD  
1-3 SPENCER STREET, RINGSTEAD, KETTERING  
NORTHANTS  
NN14 4BX

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**PURPOSE OF REPORT**

To consider whether it is expedient to take Prosecution action following the refusal of an Advert application to retain a freestanding internally illuminated advertisement sign at Taunton Deane Motorway Service Area, M5 Southbound, Trull.

**RECOMMENDATION**

The Solicitor to the Council be authorised to take Prosecution Action:-

- Prosecution Action for the display of the unauthorised illuminated sign.

**SITE DESCRIPTION**

The sign is sited at the entrance of the Taunton Deane Motorway Service Area on the M5 Southbound. The service area contains a variety of buildings/restaurants/hotel and petrol station. The advertisement relates to the McDonalds restaurant.

**BACKGROUND**

The sign was brought to the Council's attention in September 2013. Contact was made with McDonalds and a retrospective Advert application was submitted for consideration of its retention. This application was refused on the 8th April 2014.

**DESCRIPTION OF BREACH OF PLANNING CONTROL**

The advance sign is located close to the entrance to the Motorway Service Area. Advert consent is required due to its location, height and the fact it is illuminated.

**RELEVANT PLANNING HISTORY**

Advert application 30/13/0042A refused 8 April 2014.

**RELEVANT PLANNING POLICES**

National Planning Policy Framework

Para 67

National Planning Policy Guidance .

Para 79

Taunton Deane Local Plan 2004

Retained Policy EC26

**DETERMINING ISSUES AND CONSIDERATIONS**

The sign, by reason of its location and height would appear as an over dominant and excessive form of advertisement in an open area of highway against the setting of the Blackdown Hills AONB to the detriment of the visual amenities of the surrounding area. As such the sign is contrary to Retained Policy EC26 of Taunton Deane Local Plan and advice given in the NPPF and NPPG including para 67 of the NPPF and para 79 of the NPPG.

In this location it is possible that drivers will be making last minute changes in direction to access the services when they view the advertisement having consequences for public safety. As such the sign is contrary to Retained Policy EC26 of Taunton Deane Local Plan and advice given in the NPPF and NPPG including para 67 of the NPPF and para 67 of the NPPG.

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

**PLANNING OFFICER: Mr G Clifford**  
**PLANNING ENFORCEMENT OFFICER: Mrs A Dunford**

**CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479**

**APPEALS RECEIVED FOR COMMITTEE AGENDA – -25 JUNE 2014**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/C/14/2218451	STATIONING OF CARAVAN ON LAND OPPOSITE GIDLANDS HOUSE, WELLINGTON HILL, WELLINGTON	E/0171/44/12
APP/D3315/A/14/2219143	LAND SOUTH WEST OF JUNCTION OF A358 AND STOKE ROAD, HENLADE	31/13/0025
APP/D3315/A/14/2219960	LAND OFF WHITE STREET, NORTH CURRY, TA3 6HL	24/14/0019
APP/D3315/C/14/2219154 & 155	CHANGE OF USE OF THE OLD DOG KENNELS TO RESIDENTIAL ON LAND ADJACENT TO WIVEY VIEW, WIVELISCOMBE	E/0177/49/13