

## Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 15 October 2014 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 24 September 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 46/14/0028 Change of use of land from horticulture to storage of scaffolding poles and related materials, erection of an office/workshop building and variation of condition No. 8 of planning application 46/93/0004 to allow occupation of agricultural workers dwelling by persons connected with scaffolding business at Oaklee Cottage, Haywards Lane, West Buckland
- 6 38/14/0309 Formation of retaining walls to off-street parking bay at 28 Wilton Street, Taunton
- 7 27/14/0019 Change of use of agricultural land and erection of 10 No. dog boarding kennels and 1 No. isolation kennel at Fiveoak Cattery, Higher Knapp Farm, Hillfarrance
- 8 Planning Appeals - The latest appeals and decisions received (attached)

Bruce Lang  
Assistant Chief Executive

01 December 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 P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

## Planning Committee – 24 September 2014

Present: - Councillor Nottrodt (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Gaines, C Hill, Mrs M Hill,  
Miss James, Mrs J Reed, Watson and A Wedderkopp,

Officers: - Bryn Kitching (Development Management Lead), 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 Morrell in connection with application Nos 05/14/0021, 05/14/0022 and 05/14/0023 and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### 92. Apologies/Substitution

Apologies : Councillors Bishop, Tooze, D Wedderkopp and Wren

Substitution : Councillor Mrs J Reed for Councillor Bishop

### 93. Minutes

The minutes of the Planning Committee meeting held on the 3 September 2014 were taken as read and were signed.

### 94. Declarations of Interest

Councillors Coles and A Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Gaines declared that he had attended a public meeting where application No 09/14/0016 had been discussed. He declared that he would not take part in the discussion of this application.

### 95. Applications for Planning Permission

The Committee received the report of the Development Management Lead 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 development:-

**05/14/0021**

**Erection of an agricultural building for the housing of cows and erection of an above ground slurry store with reception pit at Newley Farm, Upcott, Bishop's Hull**

**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 VEN/CU/PH1/PLN/002 Site Plan;
  - (A1) DrNo VEN/CU/PH1/PLN/001 Location Plan;
  - (A1) VEN/CU/PH1/PLN/003 Site Plan;
  - (A1) VEN/CU/PH1/PLN/004 Floor Plan;
  - (A1) VEN/CUI/PH1/PLN/005 Roof Plan;
  - (A1) VEN/CU/PH1/PLN/006 Elevations;
  - (A1) VEN/PH2/PLN/MP/001 Site Section;
  - (A1) VEN/PH2/PLN/MP/001 Site Plan;
- (c) The development hereby permitted shall be carried out in accordance with the phasing plan as approved by Dr No VEN/CU/PH1/003, VEN/CU/PH2/0003 and VEN/CU/PH3/0003, and no part of the building shall be brought into use until all three phases of the development hereby approved are complete;
- (d) 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;
- (e) (i) Prior to implementation, 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;
- (f) No development shall take place until a surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local

Planning Authority. The scheme shall include details of phasing of all drainage infrastructure and its maintenance thereafter together with plans and details of any attenuation pond to be provided. Once approved, the development shall be implemented and maintained in accordance with the details of the approved scheme.

(Notes to applicant: - (i) Applicant was advised of the following;-  
**WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation;  
**BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins;  
**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places;  
Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

**05/14/0022**

**Erection of an agricultural building for the housing of cattle at Newley Farm, Upcott, Bishop's Hull**

### **Conditions**

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

- (A1) DrNo VEN/CU/PH2/PLN001 Location Plan;
- (A1) DrNo VEN/CU/PH2/PLN/002 Site Plan;
- (A1) DrNo VEN/CU/PH2/PLN/003 Site Plan;
- (A1) DrNo VEN/CU/PH1/PLN/004 Floor Plan;
- (A1) DrNo VEN/CU/PH1/PLN/005 Roof Plan;
- (A1) DrNo VEN/CU/PH2/PLN/006 Elevations;
- (A1) DrNo VEN/PH2/PLN/MP/001 Site Section;
- (A1) DrNo VEN/PH2/PLN/MP/001 Site Plan;

- (b) The development hereby permitted shall be carried out in accordance with the phasing plan as approved by DR No VEN/CU/PH1/003, VEN/CU/PH2/003 and VEN/CU/PH3/0003, and no part of the building shall be brought into use until all three phases of the development hereby approved are complete;
- (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) Prior to implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority;  
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) No development shall take place until a surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of phasing of all drainage infrastructure and its maintenance thereafter together with plans and details of any attenuation pond to be provided. Once approved, the development shall be implemented and maintained in accordance with the details of the approved scheme.

(Notes to applicant:- (i) Applicant was advised of the following:- WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation;  
BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins;  
BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or

places of shelter or protection used by bats, or to disturb bats whilst they are using these places;

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

**05/14/0023**

**Erection of an agricultural building for the housing and feeding of Dairy cows at Newley Farm, Upcott, Bishop's Hull**

**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 Ven/CU/PH3/PLN 001 Location Plan;
  - (A1) DrNo VEN/CU/PH3/PLN 002 Site Plan;
  - (A1) DrNo VEN/CU/PH3/PLN 003 Site Plan;
  - (A1) VEN/CU/PH3/PLN/004 Floor Plan;
  - (A1) VEN/CU/PH3/PLN 005 Roof Plan;
  - (A1) VEN/CU/PH3/PLN 006 Elevations;
  - (A1) VEN/PH2/PLN/MP/001 Site Section;
  - (A1) VEN/PH2/PLN/MP/001 Site Plan;
- (c) The development hereby permitted shall be carried out in accordance with the phasing plan as approved by Dr No VEN/CIU/PH1/003, VEN/CU/PH2/0003 and VEN/CU/PH3/0003, and no part of the building shall be brought into use until all three phases of the development hereby approved are complete;
- (d) 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;
- (e) (i) Prior to implementation, 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;

(f) No development shall take place until a surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of phasing of all drainage infrastructure and its maintenance thereafter together with plans and details of any attenuation pond to be provided. Once approved, the development shall be implemented and maintained in accordance with the details of the approved scheme.

(Notes to applicant:- (i) Applicant was advised of the following:-  
WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation;  
BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins;  
BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places;  
Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Governments advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained (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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

**09/14/0016**

**Erection of Telecommunications Base Station, comprising 1 No. mast, 6 No. Antennas 2 No. dishes and 6 No. radio equipment cabinets at land east of Bouchers Lane, Waterrow**

## Conditions

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) If the mast and its base station becomes redundant, ceases to be used, or if technology makes it no longer necessary, the mast and all accompanying equipment shall be dismantled and entirely removed from the site, to the satisfaction of the Local Planning Authority, and the land restored to its former condition in accordance with a scheme of work that shall be submitted to, and approved by, the Local Planning Authority prior to those approved works being carried out.

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework that Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (ii) Applicant was advised of the following:- WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation;

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

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

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

**10/14/0028**

**Installation of 500 ground mounted PV solar panels producing 125.50kWp with ancillary cut out/metering housing and transformer/substation in the Paddock adjacent to Heather Cottage, Churchstanton (re-submission of 10/13/0025)**

## 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 S/S 16/03A Section and Elevations;
  - (A3) Cable Entry Requirements/Cut-out building;
  - (A2) DrNo S/S 16/01B Site and Location Plans;
- (c) 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;
- (d) 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;
- (e) 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;
- (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) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (g) (i) Before any part of the permitted development is commenced, a wildflower enhancement scheme including details of suitable wildflower plug species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be accompanied by a management plan that ensures the future maintenance of the wildflowers;  
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 wildflower enhancement scheme, the wildflowers shall be protected and maintained and any plants that cease to grow shall be replaced by wildflower plugs of similar size and species, or the appropriate species as may be approved in writing by the Local Planning Authority;

- (h) There shall be no stockpiling of material or ground-raising (temporary or permanent) on any part of the site;
- (i) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission;
- (j) No external artificial lighting shall be installed on the site;
- (k) Prior to the commencement of 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;
- (l) All services and cable connections shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

(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 applicant to enable the grant of planning permission.)

**96. Application for outline planning with all matters reserved for a residential development of up to 30 No. dwellings and 3 No. live/work units, public open space, allotments and associated infrastructure on land east of West Villas, Cotford St Luke (Resubmission and amended scheme to 53/13/0012)**

Reported this application.

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

- (a) 8 units of affordable housing comprising 60% social rented, 40% intermediate housing;
- (b) Provision of public open space to include an 'enhanced' 8-piece LEAP together with ongoing maintenance provision;

- (c) Provision of allotments;
- (d) Ongoing maintenance for Surface Water drainage infrastructure;
- (e) Provision of highway access to the site, including the realignment of Old Dene Road;
- (f) Reconfiguration of the southern end of the adjoining cycleway to provide a safe junction with the realigned road;
- (g) Provision and implementation of travel plan; and
- (h) Provision of public art integrated into the development or via the payment of 1% of development value;

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

- (a) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced; Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) Prior to the commencement of the development hereby permitted a surface water drainage scheme for the site, based on sustainable drainage principles, together with a timetable for its implementation and details of how the scheme shall be maintained and managed after completion shall be submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details and agreed timetable;
- (c) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contracts Protected Species undated Survey and an up to date survey and include:-
  - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  - Measures for the retention and replacement and enhancement of places of rest for the species;

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

- (d) Full details of the public open space, children's play facilities and allotments shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted pursuant to condition 1 of this planning permission. The children's play facilities shall include an enhanced (8 piece) Locally Equipped Area for Play. Prior to the occupation of the 20th dwelling hereby permitted, the public open space, children's play facilities and allotments shall be provided in accordance with those details and shall be capable of use by members of the public;
- (e) A pedestrian/cycle link to the adjoining land shall be provided up to the northern site boundary in accordance with details that shall be submitted to, and approved by, the Local Planning Authority pursuant to condition 1;
- (f) In respect of each live-work unit hereby permitted:  
The details submitted and approved pursuant to condition 1 (submission of reserved matters) shall clearly identify the 'business floor space' and 'residential floor space' for each unit; The residential floor space shall not be occupied until the associated business floor space is fully fitted and capable of use; The occupation of the residential floor space shall be limited to a person solely or mainly working within the business floor space, their spouse (or partner) and to any resident dependants or relatives living together as a single family unit; The occupation of the business floor space shall be limited to a person who resides in the residential floor space connected with that unit; The business floor space shall be used only for purposes falling within Classes B1 or D1 and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification;
- (g) No more than 30 dwellings and 3 live-work units shall be erected on the site;
- (h) The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority; The agreed details shall be implemented such that each dwelling shall be accessed by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway prior to its occupation;
- (i) The applicant shall ensure that all construction vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the

wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commence of development, and thereafter maintained the completion of construction;

- (j) The requirements of the Travel Plan dated June 2014 and hereby approved, shall be implemented in full and in complete accordance with the document, unless the Local Planning Authority gives its written consent for any variation;

(Notes to applicants:- (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 and has imposed planning conditions to enable the grant of planning permission; (ii) Applicant was advised that the condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the bats and birds that are affected by this development proposal; (iii) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation;(iv) In the UK badgers are protected under the Protection of Badgers Act 1992. All excavations left open at night should either be cover plated or have a means of escape should an animal fall in; Any chemicals should be stored away from any obvious badger runs, which should not be obstructed with any materials. Security lights should be directed away from areas of the site where badger runs are evident; (iv) Applicant was advised that the designs for the proposed live-work units in the design and access statement are not necessarily considered to be acceptable. It is likely that the Local Planning Authority will require a mix of residential floor space options (i.e. 2, 3, 4 bedroom options) to accompany the proposed business floor space.)

## **97. Appeals**

Reported that four decisions were received details of which were submitted.

Resolved that the reports be noted.

(The meeting ended at 7.15 p.m.)

## **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
- Clerk to Milverton Parish Council – Councillor Wren



SRK SCAFFOLDING LTD

**CHANGE OF USE OF LAND FROM HORTICULTURE TO STORAGE OF SCAFFOLDING POLES AND RELATED MATERIALS, ERECTION OF AN OFFICE/WORKSHOP BUILDING AND VARIATION OF CONDITION NO. 8 OF PLANNING APPLICATION 46/93/0004 TO ALLOW OCCUPATION OF AGRICULTURAL WORKERS DWELLING BY PERSONS CONNECTED WITH SCAFFOLDING BUSINESS AT OAKLEE COTTAGE, HAYWARDS LANE, WEST BUCKLAND**

Location: OAKLEE COTTAGE, HAYWARDS ROAD, CHELSTON,  
WELLINGTON, TA21 9PH

Grid Reference: 316054.120075

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposed change of use to the storage of scaffolding equipment together with an office/training/workshop building is contrary to the provisions of policies SP 1, SP 3, DM 2 and CP 8 of the adopted Taunton Deane Core Strategy because it amounts to development in the countryside which does not fall within any of the specified uses that are allowed. The proposal in this regard cannot be considered to meet the requirements of DM 2.2 because -
  - (a) The proposed site is not adjacent to a rural centre and the nearest centre (Wellington) does not have suitable sites available;
  - (b) The proposal does not seek an extension to an existing business; and
  - (c) Does not utilise existing buildings.The proposal does not therefore fall within the criteria allowed by this policy for development within the countryside, and there are no other material considerations that override planning policy. As such, the proposal would undermine the delivery of existing and proposed employment allocations and would set a serious precedent for other proposals for unwarranted development in the countryside of the Borough.
- 2 The proposal seeks the lifting of an agricultural tie to the dwellinghouse, but makes no evidenced justification as to why the tie is no longer appropriate or viable. As such, the proposal would permit an open market dwelling in the countryside contrary to the provisions of the National Planning Policy Framework and policy DM 2 of the adopted Taunton Deane Core Strategy.
- 3 The submitted supporting documents are insufficient to enable the Local Highway Authority and the Local Planning Authority to make a full assessment of the traffic impact of this proposal. As such, the applicant has not demonstrated that the proposal would not be contrary to policies CP 6 and DM1 (b) of the adopted 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.

## PROPOSAL

This application seeks planning permission in three parts:-

- 1) A change of use of the land from an established horticultural business to a use for the storage of scaffolding equipment and related materials;
- 2) The erection of a new 'L' shaped office and workshop building with a footprint of 492 sq. metres (although the plans show two levels of internal accommodation so the total new floor area is likely to be much more than this). The building is shown with a roof ridge height of 6.5 metres. The building is shown located in the eastern part of the site. The submitted drawings indicate a brick and metal cladded structure, although exact materials (type and colour) have not been defined;
- 3) A variation of condition 8 of planning consent no. 46/93/0004 to allow occupation of Oaklee cottage by persons connected with the adjoining scaffolding business. The property currently has an agricultural tie (condition 8)

## SITE DESCRIPTION AND HISTORY

The site is located towards the end of Haywards Lane which is an unclassified cul-de-sac that is now cut off by junction 26 of the motorway. Although this site is located quite close the motorway junction, there is no direct access to it. To the north of this site and Haywards Lane lies the Foxmoor Business Park. There used to be direct vehicular access from/to the business park off Haywards Lane, but this was deemed an unsuitable access for heavy goods vehicles primarily because of the width of Haywards Lane and because part of the carriageway utilised a bridge (Haywards Bridge) which is not suitable for HGV's. Access to Foxmoor is now obtained via a purpose built road off the A38. The application site is approximately 1.5 kilometres away (by road) from the nearest point of the designated settlement boundary for Wellington. The application site lies approximately 1 kilometre away by road from the entrance to the new business park at Westpark.

### Relevant planning history

46/90/0026 - Siting of mobile home to serve proposed horticultural unit -  
Temporary approval granted 21.11.1990.

46/93/0003 - Erection of polytunnel, shed, retention of mobile home and retention of mobile office unit - Conditional approval 11.03.1993.

46/93/0004 - Erection of dwelling to be used in connection with adjoining nursery - Conditional approval 11.03.1993.

46/95/0003 - Retention of mobile home - Temporary approval 04.04.1995.

46/96/0004/RM - Reserved Matters for the erection of a dwelling to be used in connection with the adjoining nursery - Approved 01.04.1996.

46/96/0026 - erection of storage building and polytunnel - Conditional approval 23.12.1996.

46/04/0015 - Erection of glasshouse, relocation of polyhouses and retention of workshop/canteen facility and container storage facilities - Conditional approval 05.07.2004.

46/12/0011 - Change of use of land to site temporary agricultural workers mobile home (on part of the site not subject to this application, following subdivision of the site - Temporary approval 11.06.2012.

There have been other planning applications purely for polytunnels, but it is not considered that these would directly affect the current proposal.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *WEST BUCKLAND PARISH COUNCIL -*

The Parish Council has no objections to the change of use of the land or the variation to the planning condition, but they are concerned about the access from Haywards Lane onto the A38.

#### *SCC - TRANSPORT DEVELOPMENT GROUP -*

Haywards Lane is a cul-de-sac, very quiet and rural in character, few properties and businesses currently derive access from it, although this has not always been the case. It is known that the lane can accommodate more traffic than it currently does and the junction arrangement with the A38 is also relatively capacious. The lane itself is not very wide; although cars can pass slowly when larger goods vehicles use the lane reversing can be necessary. There is no provision for pedestrians, not even a verge to step onto for much of the length of the lane. The Local Highway Authority (LHA) is concerned regarding the distance from places where workers could live or access goods and services during their working day. The site is sufficiently remote and the lane unfriendly for pedestrians and cyclists such that workers, clients and those that might dwell in Oaklee Cottage will undoubtedly be mostly reliant upon the private car. This is contrary to policies of the local plan and

out of tune with the broad principles of sustainable development as it is not very accessible. The LHA would certainly not wish to see a return to the previous levels of traffic using the lane.

More information is required with regard to traffic generation – for instance how often will training take place in the building and how many students or employees are expected to attend for how long and by which modes of transport? Will the proposed parking arrangements be sufficient for this? A Transport Assessment which takes into account the proposed growth of the business is required. A Measures Only Travel Statement may also be required in accordance with the County Council's 'Travel Planning Guidance November 2011' There should be information on a range of transport modes, not just cars and goods vehicles but also for those arriving on foot, by bicycle or motorbike and suitable secure changing and parking arrangements.

I would recommend that this application be refused on highway grounds for the following reason:-

- The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal.

Further transport/highways information has been submitted by the applicant and the County are currently assessing this. Members will be updated on whether this new information sufficiently alters the situation to enable the Highway Authority to withdraw their objection.

#### *DRAINAGE ENGINEER -*

I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (Sept 1991) and made a condition of any approval.

Regarding foul drainage - I note that a septic tank is to be installed for treatment purposes. Percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage and these should be carried out before any works commence on site. The Environment Agency's consent to discharge to an underground strata is also required and they should be consulted for their observations/comments.

#### *DIVERSIONS ORDER OFFICER -*

Public footpath WG14/18 runs through the proposed development. However, the path is now effectively a cul-de-sac, having been truncated by the motorway and not properly re-routed at that time. There is therefore little point in diverting the path and the County Rights of Way Officer is in agreement with this. There is therefore no comment on the proposal.

#### *PLANNING POLICY -*

The application is for the change of use and development of 1.18 hectares of

nursery land near Junction 26 of the M5 (Wellington) and includes a new office/workshop building of 492 sq. m. The proposal lies outside of defined settlement limits in the adopted Core Strategy (2012).

Policy SP1 of the Core Strategy states that outside of defined settlement limits, proposals will be treated as being within open countryside. As such, proposals will be considered against policy DM2 of the Core Strategy. For an employment proposal, policy DM2.2 and associated criteria applies.

Criterion a. requires a location adjacent to a rural centre (Wellington) and provided no suitable sites are available. The site is in excess of 1km from the nearest part of the settlement limit of Wellington. The application fails this criterion. Availability of sites is discussed below;

Criterion b. The application does not constitute proposed extension to the existing business. It is a change of use and development for a new activity. The application fails this criterion;

Criterion c. The proposal is not within existing buildings. The application fails this criterion.

Policy DM2 also requires that even if these criteria are met the proposal must be of a scale compatible with the rural area. With a proposed eaves height of 6.5 metres, landscape consideration should be given to this aspect.

Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise (NPPF paragraph 11). Are there overriding material planning considerations which override policy DM2? Is the Core Strategy is up to date? Yes, the Plan was adopted in 2012 (under 2 years ago); Has the Development Plan met objectively assessed need? The Plans evidence base identifies a requirement for 36.5 hectares of Class B (non office) land over the period 2006-2028. The annual employment monitor identifies 83 hectares of land completed, allocated in a statutory development plan or with planning permission but not built at April 2014; Is other land available? At April 2014, over 39 hectares of land has planning permission and is available for development in the Deane. This includes land at Wellington (over 14 ha). See criterion a. above. Planning policy does not maintain records of employment buildings (with or without associated land) that are currently vacant/available; Is the land suitable? A site of 1 hectare is sought. There are numerous sites within the Deane capable of accommodating a 1 hectare employment development. The sites listed in the agents supporting statement are not a complete statement of available land and some reasons for discounting opportunities, e.g. cost of land, are commercial rather than planning considerations.

Site Allocations and Development Management Plan. This plan has undergone two extensive rounds of consultation with the public, developers, agents etc. No comments were received at any stage proposing this land for employment. Moreover, no comments were received stating that the overall quantum of employment land was inadequate. If this was an issue the Council has provided ample opportunity for this to be raised.

In light of the above there are no grounds for the Council to accept that the proposal is consistent with or that other material considerations should override planning policy. If such a course of action was to proceed, decision takers should be in no doubt that a number of consequences may well occur:

Precedent: With an up to date plan and evidenced needs met, allowing this application will undermine protection of the rural environment and future application of policy DM2. A precedent will have been set and used against the Council. This may equally be applied for other uses such as residential development in rural areas outside of settlements (e.g. 'existing sites do not fulfil personal requirements for location or budget');

Allocated sites: Existing investors may question the Council's commitment to existing employment commitments/allocations which may be reflected by future investment decisions and delivery of these sites;

Alternative uses: If supply exceeds demand, sites may not get developed and they may be land-banked. Pressure could mount for alternative, more financially beneficial uses such as residential in otherwise less sustainable locations. Paragraph 22 of the NPPF states "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits".

From a policy perspective I would also suggest that a further two points should be satisfactorily addressed:

Firstly, the supporting statement acknowledges that the permitted use (plant nursery) is a greenfield operation (paragraph 5.7) and the occupancy condition is thus presumably attached for this reason. I can see no evidenced justification as to why this use is no longer appropriate or viable and should be replaced by a proposal not consistent with adopted policy.

Secondly, the application details show a significant increase in parking requirements from the existing nursery use. Access is via Haywards Lane which historically had been considered substandard for intensification of activity at nearby Foxmoor. Likewise parts of Haywards Lane lies within flood zone 3 which could restrict access at certain times. Presumably the Highway Authority and Environment Agency will respond on these issues.

In conclusion, the proposal is contrary to policies SP1 and DM2 of the adopted Core Strategy. The Plan and evidence base is up to date. Government policy requires a Plan led approach. There is no justification to override planning policy and to do so could set a dangerous precedent for future proposals for employment, residential and other uses in the countryside that could undermine the development plan strategy.

## *ECONOMIC DEVELOPMENT -*

SRK is a long-established local employer, based at Durston, and employing around 50 local people in the provision of scaffolding services to the construction industry. Following recent consecutive years of growth the business has outgrown its existing premises and therefore requires new accommodation in the vicinity of Taunton and Wellington.

The business requires mainly outdoor storage in a secure and accessible site. The owner recognises that the nature of the operation makes it an unattractive neighbour, operating at unsociable hours. These issues have significantly limited the suitability of existing employment sites in the search area, including the established business parks in Chelston. Greenslade Taylor Hunt has carried out a comprehensive search of potential sites on behalf of SRK to accommodate the

expansion, and their study accompanies the application as part of the Planning Statement. That search concludes that there are no available sites that presently meet the requirements of the business. Having carried out research myself amongst local commercial property agents I would agree with the GTH conclusion.

If the business is able to relocate to the Oaklee Cottage site it will sustain the current level of jobs and create around 20 additional opportunities over the next few years. The owner invests heavily in apprenticeships to create opportunities for entrants to the scaffolding profession, which will create opportunities for Wellington residents.

I am therefore fully supportive of the application.

## **Representations**

8 letters of SUPPORT raising the following issues:

- Good to hear of a new business in the area with the possibility of jobs for local people and extra revenue for Wellington.
- We have been neighbours of SRK at their current address in Durston for 13 years and they have been great.
- Great for local business especially employment in the local area as Wellington has not got much to offer apart from charity and coffee shops!
- The application is welcomed as over the last 5 years or so this land has been neglected and has become an eyesore
- Having the empty house lived in again would be a wonderful thing.
- I cannot see any reason why they could not run a successful and tidy business from this land.
- SRK employ a large number of local people and want to stay in the local area whilst being able to progress their business.
- I am familiar with the site and location and think it is entirely suitable for the intended use.
- I agree fully with the report conclusions (para.'s 14.1 – 14.6).
- The area needs successful businesses and the opportunity to provide additional employment to local residents.
- It is unfortunate that a large professional company deems it necessary to object to the application for fear of undermining the viability of their own project.
- Within the Borough there are a number of narrow access roads to industrial estates.
- The lane cannot be used by pedestrians and cyclists to move between Wellington and West Buckland as the road has been blocked for some time.
- If there is demand for rented glasshouse space why has the property remained for sale for a number of years?
- The application proposes to re-use a brownfield site, supporting a local business to expand and there is a lack of availability of alternative sites. These reasons may be sufficient to overcome an in principle policy concern. Officers and Members will need to determine whether this is the case or not.
- Suitable alternative sites may not exist and we would not wish to see a local business hampered from continuing to flourish.

4 letters of OBJECTION raising the following issues:

- Policy CP2: (Economy) of the adopted Core Strategy advises that over the plan period (2011- 2028) the Council will seek to meet the forecast growth of around 11,900 additional jobs by allocating around 36.5 hectares of land for B1, B2 and B8 uses. These allocations will be focussed primarily within the urban area of Taunton but with complementary allocations at Wellington.
- The Council's policy SP3 highlights that the bulk of new employment growth outside of the urban area of Taunton will be principally within the large sites allocated and permitted at Chelston. The same policy allocates an 8.67ha site at Chelston.
- A new business park (known as Westpark) is currently being developed within the proposed allocation area, granted outline consent 2007, with a significant proportion of this now being operational.
- The Council recently granted a further outline consent for an extension to Westpark for an additional 11,134 m. sq. of B1(c), B2 and B8 uses. The same site also formed part of the larger former Local Plan employment allocation (W4) which was subsequently saved by the Secretary of State.
- It is quite clear that the Council's employment land strategy has been to focus new employment development in and around the Chelston area of Wellington. This commitment has been reflected in the location of previous employment land allocations and the Council's granting of relevant permissions within this key employment area. Accordingly there is no logical reason why the Council would wish to grant consent for the current application which would undermine the approach taken to date.
- This application would have implications for the operator at Westpark given the level of infrastructure that they have funded in order to achieve its delivery thus far. The Westpark site provides employment units and forms part of the strategic expansion encouraged and supported by the Council. This up-front investment should not be jeopardised by development that is clearly contrary to adopted policy.
- The proposed change of use is not in accordance with the Council's adopted development strategy (SP4: Realising the vision for Rural Areas) nor is it in accordance with DM2 (Development in the Countryside) which allows only for small scale opportunities for employment growth related to tourism and rural diversification. It is therefore clear that uses which are more akin to agriculture/rural diversification should be explored and exhausted long before a B8 permission is considered by the Council.
- The Sellick's Nurseries site is located well away from the built up areas of Wellington. The site is remote and is not located in an area where the Council has previously expressed a desire to see further development occur. The site is considered to be located within the open countryside and its current lawful use for horticulture is in keeping with the surrounding land uses. Consideration of all development proposals should be in accordance with Policy DM2 (Development in the Countryside).
- In practical terms there is little justification provided as to why the proposal to remove an agricultural tying condition on Oaklee Cottage for security reasons. There is no reported problems of crime at their existing location or no justification as to why a 24 hour on site presence is required. We consider that the driver for the removal of the condition is one of convenience rather than genuine need. The fact that an agricultural related tie is currently in place highlights that the cottage was only allowed to be erected originally, contrary to policy, as a necessity for that business/use.



- Whilst the applicant has considered alternative sites, the documentary evidence provided as part of the appendix to the planning statement only details enquiries made during the course of 2014. Whilst paragraph 4.2 notes that the search has been ongoing for a period of 10 years, it is considered that there is little evidence of this being the case. We are also unsure of how suitable many of the sites listed at paragraph 4.3 are when compared to the requirements of the business as detailed at paragraph 4.1.
- We fully supports the case officer's pre-application advice (as documented in the planning statement) that the proposal does not meet the requirements of Policy DM2 (Development in the Countryside).
- The Planning Committee agreed in December 2011 that Haywards Lane was not suitable for access to the Foxmoor Business Park. Parts of it are unsuitable for HGV's.
- Since the new access road to Foxmoor has become operational the hedgerows on Haywards Lane have recovered and litter has been significantly reduced. This is true testimony to the amount of damage HGV's and traffic can cause to the countryside and thus wildlife.
- There is no public transport available to the site so there will be a large increase in car usage which is contrary to Council policy.
- The site is in a rural area and a Special Landscape Area and so should remain in agricultural/horticultural use.
- There is still a demand for rented glasshouse space for which this site is totally appropriate.
- Various large business parks are being developed in Wellington and so these must be more suitable.
- If planning permission were to be granted for this venture it would be difficult to prevent the whole site becoming yet another business park.
- The road is a narrow lane where vehicles have difficulty passing and it is used by pedestrians and cyclists travelling between Wellington and West Buckland.
- There is a sharp 90 degree corner at the top of the lane where lorries often get in great difficulty.
- Industrial use of Haywards Lane as proposed would be totally unacceptable.
- The house has an agricultural tie on it and this should not be lifted without good reason. This application is not good reason.
- The proposed development would be outside the current town development area.
- Haywards Lane is very narrow with only single vehicle access in stages.
- The Borough Council's policy on the vision for Wellington (Policy SP3) suggests that the focus for new employment growth outside of Taunton will be principally on large sites allocated and permitted at Chelston. We strongly support this and will continue to do so. As such the proposal is clearly in direct conflict with this wider policy strategy.

## **PLANNING POLICIES**

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 SP3 - TD CORE STRATEGY REALISING THE VISION FOR WELLINGTON,  
 DM2 - TD CORE STRATEGY - DEV,  
 CP8 - CP 8 ENVIRONMENT,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

The proposed use of the site for B8 storage and for the new office/workshop facility will not be C.I.L. liable. It is also considered that the removal of the agricultural tie on the dwelling, effectively allowing residential use on the open market, would not be liable for C.I.L. as no new floorspace is effectively being created. For similar reasons, the proposal for this site would not result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Planning Policy

It is clear that the primary and over-riding consideration on this application is one of planning policy. It will be noted (from above) that the Planning Policy Lead is categorically and unequivocally of the opinion that this proposal is in every respect contrary to the Council's adopted policy on the location of business and storage uses within the countryside. This view is actually supported by some of the third party representations received.

The site is approximately 1.5 kilometres away (by road) from the nearest point of the designated settlement boundary for Wellington and so cannot be construed as being within the settlement boundary. Policy SP1 of the adopted Core Strategy makes quite clear that outside of the settlement boundaries, proposals will be treated as being within open countryside. In open countryside, policy DM 2 applies. This establishes a strict hierarchy for development and a sequential approach for the re-use of buildings and land. Although business uses are looked upon quite favourably in this hierarchical list, policy DM 2 makes clear that it will only support -

- (a) new small scale buildings up to 500 sq. metres near a public road and adjacent to a rural centre within which there is no suitable site available.
- (b) extensions to existing businesses etc.
- (c) proposals within existing buildings.

This proposal fails the tests of this policy because it is not adjacent to a rural centre (or indeed any centre) and there clearly are suitable sites available within Wellington. According to the 2014 'Register of Employment Land' as published by the Borough Council, there is 25 hectares of committed industrial land in Wellington, with committed in this sense meaning either having been allocated or with planning permission. So clearly other land would be available. Criterion (b) is not applicable because it is proposed to relocate the business to this site. In terms of (c), there are no buildings on this site capable of re-use for the storage/training and warehousing use proposed.

The proposal is clearly therefore contrary to policy DM 2 and there are no justifiable circumstances for approving a breach of the policy. This was made perfectly clear to the applicant as part of a pre-application enquiry earlier this year.

The Borough Council's policy on the vision for Wellington is contained within Policy SP3. This policy maintains that the focus for new employment growth outside of

Taunton will be principally on large sites allocated and permitted at Chelston. As such the proposal is clearly in direct conflict with this wider policy strategy (SP3).

The evidence base for the Core Strategy establishes provision for a projected requirement of 36.5 hectares of (non-office) employment land within the Borough over the period 2006 - 2028. The current SADMP research shows that there is currently (2013/14) 83.12 hectares of industrial and other employment land which is either committed or with planning permission for implementation. So there is already a large over provision of employment land. If this proposal were to be allowed then it would clearly mean that other, more sustainable sites would not come forward. This is not good planning as the whole point of the plan led system in this regard is to ensure available, suitable and sustainable sites come forward in a planned way in order to give the market both availability and certainty.

The proposal to use the agriculturally tied building as a home to ensure 24 hour security for the scaffolding business also falls foul of policy DM 2. Firstly, the dwelling was only allowed by the Council in the first place because a functional agricultural need was established. It is clear that there are no other circumstances in which the Council would have allowed this dwelling to be built. It is known that there is current demand for an agriculturally tied unit in the area, because the former owner of Oaklee Cottage is currently looking for one having lost ownership of the property in a divorce settlement. He is currently living in a mobile home at the site which was granted permission by the Council (under reference 46/12/0011) whilst he tries to prove the functional need for an agricultural workers dwelling on the part of the land he now occupies. In any event, Policy DM2 is quite clear that it will not allow new general residential uses within the Countryside and so any proposal to lift the restriction, without verifiable evidence of a proper commercial marketing of the property for an agricultural worker, will be contrary to the aims of the policy. No evidence has been submitted to show that the horticultural unit is not a viable use. It is suggested that Members would be undermining adopted policy if they rescinded the agricultural tie on the house by allowing it to become an 'open-market' dwelling in the countryside, without any necessary evidence that the horticultural unit is no longer viable. Given that Sellick's Nurseries is still trading from Haywards Lane it is contended that a horticultural unit is viable in this location.

On every account, this proposal is considered to be contrary to the adopted policy and given the distance of this site from the markets it will be servicing, it cannot be seen as a sustainable location. The proposal does not accord with the local development plan and must therefore be seen as being contrary to the policy guidance within the National Planning Policy Framework. The proposal is also contrary to policies SP1, SP3 and DM2 of the adopted Core Strategy.

### Precedent

Given that this proposal has been demonstrated to be contrary to adopted policy within the Core Strategy and that there are no mitigating circumstances that would indicate there to be any individual justification for a breach of the policy, approval of this application would set a serious precedent for all kinds of inappropriate developments to be proposed outside of the settlement limits within the countryside. Given the sensitive nature and high quality of much of the Borough's countryside areas, this is not felt to be an acceptable risk. Any reason for refusal should

therefore make reference to the danger of setting a precedent for other breaches of planning policy.

The applicant has argued that a precedent has already been set when the Council allowed a veterinary hospital including an equine paddock on land to the south of Taunton Road, Wellington (LPA ref:- 43/11/0098, approved 17 January 2012). However, it is not considered that the two cases are similar or that a precedent has been set. In the case of the veterinary hospital, the permission allowed an existing business and significant employer in Wellington to relocate to premises that allowed it to continue to develop further. The Vets employed 32 members of staff and they were anticipating expanding to 39 with the move. The approval allowed the existing employment to be retained within the town. This would not have been physically possible within the town centre as there is virtually no land available where one could provide a paddock within the settlement boundary. There are, therefore, clear economic benefits from that proposed relocation and this was considered to outweigh the harm that may have resulted to the green wedge. In location terms, the proposed site was immediately adjacent to the settlement limit of Wellington, being well related to the town, sitting between the main residential area of Wellington and the Chelston business parks. The site was served by existing bus stops and is adjacent to a main road, one of the requirements under policy DM2.2. The scaffolding business the subject of this application currently operate from Durston north of Taunton. The site they seek is 1.5 kilometres away from the nearest point of the settlement boundary. The site is not near the primary road network it will have to rely upon. This is not a business local to Wellington that needs to expand. Finally, the case has not been made as to why or how the economic benefit of the location at the nursery site should outweigh the obvious harm to the objectives of the relevant policy.

### Highways Issues

There is clearly some local concern about use of Haywards Lane by HGV's and these are expressed in the representations received. This has already been recognised by the Council in respect of the former access off Haywards Lane to the Foxmoor Business Park. Following lengthy negotiations, this has now been closed and a new access provided onto the A38. The Parish Council also share concerns about use of the lane by commercial vehicles. It is also noted from their consultation response that the Highway Authority at Somerset County Council have some concerns, which may or may not be mitigated with the submission of the appropriate evidential information required. Therefore as submitted, there are no grounds for accepting this application on highways issues, and a suitable reason for refusal has been drafted by the Highway Authority to cover this position. Further transportation information has been submitted by the applicant in an attempt to overcome the highways objection. The Highways Authority is currently assessing this and there subsequent views will be reported to Members at their meeting.

### The Business case

The business presently operates out of a yard at Durston on the A361 to the north-west of Taunton. The applicant makes the case that this yard is now unsuitable for their business needs and that the business needs to relocate. Since

pre-application discussions with the Planning Department in February of this year, the applicant has commissioned the commercial division of Greenslade Taylor Hunt to undertake a search of the area for suitable premises that might currently be available. None were found, according to the Agents. The Council's Economic Development Manager agrees with this situation. The applicant maintains that a search for alternative premises has been on-going for a period of over ten years, although no evidence of this was submitted with the application.

The Development Plan's evidence base does not corroborate the views of the applicant in this regard. The Plan identifies a requirement for 36.5 hectares of Class B (non office) land over the period 2006-2028. The annual employment monitor identifies 83 hectares of land completed, allocated in a statutory development plan or with planning permission but not built at April 2014. At April 2014, over 39 hectares of land had planning permission and was available for development in the Deane, including 14 hectares in Wellington. In fact there is a total of 25 hectares of 'committed' land in Wellington (April 2014), committed meaning having either planning permission or an allocation. There are numerous sites within the Deane capable of accommodating a 1 hectare employment development as now sought. It should be borne in mind that some of the reasons for discounting land opportunities that the applicant and his agent may have used, such as cost of land, are commercial decisions rather than planning considerations.

The Site Allocations and Development Management Plan has undergone two extensive rounds of consultation with the public, developers, agents and other interested parties. No comments were received at any stage proposing the Haywards Lane horticultural site for an employment use. Moreover, no comments were received stating that the overall quantum of employment land suggested in the Plan was inadequate. If this was an issue, then the Council has provided ample opportunity for this to be raised. On this basis, it is contended that there are no grounds for the Council to accept that the proposal is consistent with the Plan or that other material considerations should override adopted planning policy.

The economic argument being proffered that this applicant cannot afford any of the planned provision, cannot be taken as a reasonable basis for breaching the adopted policies of a plan led system. If the Council allows people to take up cheaper alternatives for any form of development, then this argument could repeatedly be used against the Council to obtain permission for all sorts of otherwise unacceptable proposals on the basis that the proper provision or allocation cannot be afforded. Such a scenario would run counter to the very ethos of a plan led system. Whilst sympathising with the applicant's plight, it is clear that economic considerations should not be a basis for making a planning decision. In any event, it is noted that no factual economic details have been submitted about the viability or profit margins of this company such as would indicate that they should be allowed to operate outside of normal market forces and the established plan led system.

### Flooding issues

The site is not within a flood risk zone as defined by the Environment Agency. The applicant makes the point that the site is designated as being within Flood Risk Zone 1 where there is not considered to be any significant risk from tidal or fluvial flooding. However, Haywards Lane crosses Haywards Water to the north west of Foxmoor

and is bridged at this point. This stream has its own flood zone which is recognised by the Environment Agency as being Flood Risk Zone 3 - the highest category of flood risk. The road did flood last winter and the road became impassable (to cars at least) cutting off Sellicks Nurseries from the highway network at that time. However, it cannot be construed from this that HGV's or larger 4 wheeled drive vehicles might not have been able to pass through the flood, and given the exceptional weather conditions prevailing last winter, it is not felt appropriate to place a flooding reason as part of the refusal.

### Landscaping

The site is relatively well landscaped on its boundaries, but it has not yet been established whether or not this would be sufficient to screen the proposed uses and buildings from the surrounding countryside, especially the new 6.5 metre high (to ridge) office, training and workshop building. The Planning Officer is of the opinion that a suitable landscaping scheme could be achieved to screen the site, but given the application's failure on the fundamental issues of policy, this has not been negotiated. There should not therefore be a landscaping reason for refusal.

### Conclusions

The application is fundamentally flawed in as much as it does not meet or address the primary planning policy issues of the adopted Taunton Deane Core Strategy. Given that the site is not a sustainable location in terms of its remoteness from Wellington and the poor quality of Haywards Lane as the only access point, the proposal is also contrary to guidance within the National Planning Policy Framework. The highways issues have not been satisfactorily addressed to the satisfaction of the Highway Authority (subject to any updated views) and they are recommending refusal on highways grounds. The proposal is therefore recommended for refusal accordingly.

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

**CONTACT OFFICER: Mr J Burton Tel: 01823 356586**

38/14/0309

MR & MRS N STEEL

**FORMATION OF RETAINING WALLS TO OFF-STREET PARKING BAY AT 28 WILTON STREET, TAUNTON**

Location: 28 WILTON STREET, TAUNTON, TA1 3JR

Grid Reference: 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 Y21/1 Existing Frontage  
(A3) DrNo Y21/2A Proposed Front Access Layout  
(A3) DrNo Y21/3A Location Plan & Block Plan

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

3.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow

shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

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

Reason: To 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.

#### 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.

## **PROPOSAL**

The proposal is to remove a section of stone wall that is adjacent to the footpath and to create a new access onto the unclassified road and the formation of a parking space that measures 6.2m x 3.6m, no turning area is proposed. The front garden will need to be excavated due to the difference in ground levels with a retaining wall being provided; it has been agreed with the Agent that this wall will be finished in natural stone as per the existing wall and not render as shown on the proposed plans. Drainage is proposed by the way of a soak away and a cut off drain to alleviate rain water running into the highway. The existing pedestrian steps will remain.

## **SITE DESCRIPTION AND HISTORY**

The property is semi-detached and is finished in render under a tiled roof. Due to the existing ground levels the property is higher above the road, with pedestrian steps leading from Wilton Street. There is a natural stone wall that runs along the back of the pavement both along the frontage of this property and further up and down the street. There is mature planting in the front garden

Adjacent to 26 Wilton Street there is a vehicular access that leads to the rear of the property where there are existing garages that serve both 26 and 28 Wilton Street.



## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *SCC - TRANSPORT DEVELOPMENT GROUP -*

Councillor Hall - There are already inadequate car parking spaces in Wilton Street and Middleway to allow residences to park near or outside their properties. This situation has been exacerbated by the decisions made to allow developments without on site parking. It is also attractive to residents of nearby streets that have no or inadequate parking. I object to this application as there are currently not enough to meet requirements.

### **Representations**

4 letters of objection have been received - There is a severe lack of on-street car parking spaces and this development will eliminate a further 2 spaces. The Applicants already have their own car parking space at the rear of the property so adding another is not essential. This application will set a precedent and would result in a reduction of parking spaces for local residents and the loss of free parking for people visiting the Town Centre.

The plans fail to show any pedestrian/vehicular visibility splays. Therefore a vehicle would emerge from the parking space without the motorist being able to see a pedestrian walking along the busy pavement. Therefore, this would compromise highway safety. The designated parking bays form part of the resident's parking scheme in Wilton which the main purpose is to safeguard on street parking for the residents in the area. The applicant claim that the reason for the off-street parking is for mobility reasons, this is mis-leading and they will still have to climb their steps to access their property.

The Applicant currently uses his garage for other uses than for the parking of his car and this asset should be used. Rainwater will be an issue and access to the water table and will increase the risk of flooding.

### **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

### **LOCAL FINANCE CONSIDERATIONS**

N/A

### **DETERMINING ISSUES AND CONSIDERATIONS**

The proposed parking space will require the bank and garden to be excavated at the front of the property. A retaining wall will need to be erected that will be finished in natural stone.

The proposed parking space will access onto a classified road with a pedestrian footpath to the front. It is proposed to construct a soakaway within the curtilage and a cut off drain to alleviate the issue of surface water draining onto the highway

Whilst it is accepted that an on-street parking space will be lost this will be compensated by the creation of the proposed parking area. The Agent has advised that the Applicant cannot use the garage to the rear as it is too small and difficult to manoeuvre and causes difficulty in opening the car doors. Vehicles cannot park in front of the garage as access would be blocked to the adjoining garage that is not within the applicant's ownership.

There is a similar parking space at 16 Wilton Street albeit not 3.6m wide as proposed. Planning permission was given for a similar scheme at 18 Wilton Street with the existing steps realigned in 1996 & 1998. This proposal has not been implemented.

The proposed car parking space is therefore, considered acceptable in accordance with Policy DM1 of the adopted Core Strategy and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000). The use of stone to construct the retaining walls will help to ensure that the proposal will not have an adverse impact on the appearance of the street scene.

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

**CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462**

27/14/0019

MR T HOLLEY

**CHANGE OF USE OF AGRICULTURAL LAND AND ERECTION OF 10 NO. DOG BOARDING KENNELS AND 1 NO. ISOLATION KENNEL AT FIVEOAK CATTERY, HIGHER KNAPP FARM, HILLFARRANCE**

Location: FIVEOAK CATTERY, HIGHER KNAPP FARM, HILLFARRANCE  
ROAD, HILLFARRANCE, TAUNTON, TA4 1AN

Grid Reference: 317367.124701 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:

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

3.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the

appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

4. Prior to kennels being brought into use, the acoustic fence 'noise barrier' detailed on the location plan (drawing 6) shall be erected in accordance with the details in the applicant's email of 15<sup>th</sup> September 2014 (section 2) and shall thereafter be maintained as such.

Reason: to ensure that potential noise from the kennels is attenuated in the interests of the amenities of neighbouring residents.

5. Prior to the kennels being brought into use a hay/haylage stack shall be constructed in the location indicated on the Location Plan, Drawing B. The hay/haylage shall be stacked in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority and shall measure 7m high by at least 3m wide and across the entire length of the hatched area for that purpose on the said plan. It shall physically adjoin the noise barrier indicated in blue on that plan and required by condition (4).

The hay/haylage stack shall be maintained in that condition for the duration of time that the kennels are in use. In the event that the hay/haylage stack is not maintained as required by this condition, then the use of the kennels shall cease immediately.

Reason: to ensure that potential noise from the kennels is attenuated in the interests of the amenities of neighbouring residents.

6. The kennels hereby permitted shall not be brought into use until the new access permitted under application 27/14/0002 has been fully provided in accordance with that permission and brought into use.

Reason: to ensure that adequate facilities are available for the traffic likely to be attracted to the site.

7. Prior to the kennels being brought into use, the kennels shall be constructed in full accordance with the assumptions (1-5) on page 6 of the "Noise Assessment Report for Proposed New Kennels" prepared by Curload Consultants reference 1149 and dated January 2014 and shall thereafter be maintained as such.

Reason: To ensure that the proposed development does not result in significant harm to the residential amenities of the occupiers of nearby premises, in accordance with Policy DM1 of the Taunton Deane Core

Strategy.

8. The buildings hereby permitted shall not be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be maintained as such.

Reason: To prevent discharge into nearby water courses in accordance with Policy CP1(C) of the Taunton Deane Core Strategy.

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

Reason: In the interests of highway safety.

10. The existing hedge to the northeast of the proposed noise barrier shall be laid within 6 months of the date of this permission and shall then be allowed to grow up to the height of the noise barrier, being maintained in accordance with condition (3) of this planning permission. Thereafter the hedge shall be maintained at a height in excess of the noise barrier.

Reason: In the interests of the visual amenities of the area.

#### 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. Care should be taken when installing the acoustic fence to ensure that the adjoining hedge is not damaged so that it can effectively regrow to screen the fence without further intervention in accordance with condition 3.

#### **PROPOSAL**

Higher Knapp Farm is located in a rural location, approximately 0.75 km to the east of Hillfarrance and approximately the same distance from Allerford. The site is largely surrounded by agricultural fields, with a residential property opposite and a scattering of further dwellings to the north-east. The site comprises agricultural buildings, along with a traditional barn, which has been converted to a dwelling. Planning permission was granted in 2011 for the change of use of an element of land to a boarding cattery with the erection of further linear buildings to provide the

cattery pens and associated facilities to the south-west of the main buildings. This planning permission has since been implemented and the cattery is in operation from the site.

A planning application was submitted in 2012 for the change of use of agricultural land and erection of buildings to form a boarding kennels and isolation unit, along with the temporary permission for a mobile home to provide manager's accommodation for the boarding cattery, which was withdrawn following the request for a noise assessment. A similar application was subsequently submitted in 2013 with the mobile home removed from the scheme, but without a noise assessment and this was again withdrawn.

A later application in 2013 sought planning permission for the change of use of agricultural land with the erection of buildings to form a boarding kennels and isolation unit. The buildings were proposed to the north-west of the existing buildings, which incorporated a main building with a run along the full length of the rear and a separate building to act as an isolation pen. The buildings were proposed of timber cladding with an anthracite roof and galvanised mesh to the run elements. It was also proposed to block off the existing access with a wooden fence with planting to the front and form a new access to the south-west of the buildings. This application was accompanied by a noise assessment, a design and access statement and a day to day management strategy. This application was refused as the Council resolved that it had not been satisfactorily demonstrated that the proposed development would not give rise to noise disturbance to nearby properties, to the detriment of their amenity and was therefore contrary to Policy DM1.

A subsequent application for the formation of the new access to serve the dwelling and boarding cattery was granted conditionally earlier this year.

This application now seeks to change the use of agricultural land and erect ten dog boarding kennels within one large building and a separate isolation unit. The buildings would now be located to the rear of the cattery and farm buildings, with a 3 metre high acoustic fence located to the north-east. This fence would be of 16kg/square metre timber construction. The ten kennels would be housed within the main building with a kitchen in the centre and a walkway along the full length of the building to the front of the kennels, each kennel would have a sleeping and exercise area, all of which would lie within the building. The building would be of concrete block construction with timber cladding and an anthracite grey aluminium roof, 26 metres in length and 8 metres in width, 2.2 metres to the eaves and 4.2 metres to the ridge. The isolation unit would be 7 metres by 2.4 metres and of the same height and materials. The buildings would also incorporate acoustic detailing including rockwool, two layers of plasterboard, acoustic suspended ceilings, double glazing incorporating airgaps and acoustic ventilation. It is proposed to utilise the recently permitted access to serve the kennels and erect a hay stack to the south-east and south-west of the kennels to provide additional sound proofing.

The application is also accompanied by a noise assessment, design and access statement and day to day management strategy.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

COUNTY HIGHWAYS AUTHORITY - No comments received on this application at the time of writing – Comments on previous application considered to apply, however it is important to note that the new access has been permitted since these comments were made:

I refer to the above-mentioned planning application received on 20th November 2013 and, after carrying out a site visit on 25th November 2013 have the following observations on the highway and transportation aspects of this proposal:-

Site Location - The development site is located along Hillfarrance Road a designated classified unnumbered highway to which the National Speed Limit applies past the site frontage. Hillfarrance Road is predominantly single width, to which either side of the carriageway there are grassed highway verges and no street lighting in proximity to the site.

Access Arrangements – The proposal seeks the formation of a new vehicular access onto Hillfarrance Road a designated classified unnumbered highway to which the National Speed Limit applies.

Access to the adopted highway is currently obtained via the existing access onto Hillfarrance Road. The access is considered acceptable in terms of width and geometry. However, vehicular visibility in a south easterly direction is considered substandard as high hedge row impedes visibility.

This is a location where in principle Design Manual for Road and Bridges (DMRB) applies given the rural location of the development and therefore the creation of a new access would warrant the maximum levels of visibility ('Y' coordinates) of 215m in either direction, given that 60mph speed limit which applies along Hillfarrance Road (past the site frontage).

The proposal seeks the formation of a new access and the stopping up of the existing. From onsite observation it is considered that vehicle speeds in this location are likely to be lower than the National Speed Limit.

It is the view of the Highway Authority that vehicle speeds are estimated to be approximately 30mph. It is evident that the proposed new access will result in an improvement in vehicular visibility compared to the existing access and therefore unreasonable for the Highway Authority to object on the basis that the proposed access is unlikely to obtain the required splays for the creation of a new access.

However, the proposed access should incorporate visibility splays of 2.4metres x 43metres, which is achievable from the proposed access. The reason for applying visibility splays based on guidance from Manual for Streets (MfS) as opposed to Design Manual for Roads and Bridges (DMRB) is that vehicle speeds are likely to be considerably less than the allocated limit given the constraints of Hillfarrance Road.

A suitably worded condition can be attached in connection to the access to incorporate the provision of appropriate visibility splays in perpetuity.

With regards to the formation of the access Drawing No. '*PROPOSED NEW DOMESTIC, AGRICULTURAL & BOARDING ENTRANCE*', it detailed that the access is to be provided with a 10metre concrete apron, which is considered acceptable.

If any access gates are to be erected as part of the proposal, they would need to be erected a minimum of 5.0metres back from the carriageway edge to enable a vehicle to pull clear from the existing highway when in operation without becoming an obstruction to vehicles using Hillfarrance Road. Also provision should be provided at the point of access to prevent and discharge of surface water on top the publicly adopted highway.

Finally, under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Office, Burton Place, Taunton, Tel Number 0845 3459155. Application for such a permit should be made at least four weeks before access works are intended to commence, subject to planning approval.

Vehicle Movements - I do not consider the inclusion of ten kennels at an existing boarding facility a significant increase in vehicle movements. The reason for this is that it's likely that the site will be subject to shared trip patterns associated with the existing cattery and would be unreasonable for the Highway Authority to recommend refusal based on an intensification of the site.

Parking/Internal Layout - The site plan Drawing No. '*BLOCK PLAN (14/09/13)*', details that eight vehicle parking spaces will be provided as part of the development, which is considered acceptable.

Furthermore, the site provides suitable area to allow for a motor vehicle to turn and access with highway within a forward gear which is essential when accessing onto a classified road. The Highway Authority is therefore satisfied with the parking and internal layout of the development.

*OAKE PARISH COUNCIL* - Objects for the following reasons:

The Councillors have reviewed application 27/14/0019 and still have concerns regarding the potential level of noise with dogs barking at different times of the day. There are several properties within close proximity to the proposed application which will be subject to noise disturbance when owners drop off and collect their animals. The type of design of some of the closer properties will be affected more than others. Hillfarrance is a quiet rural village where people have come to live and not be disturbed by irregular noise levels.

The application mentions a treatment plant for all waste products which after treatment will be discharged in the stream subject to the Environment Agency's approval. There doesn't appear to be any correspondence between the applicant and Environment Agency to satisfy potential pollution into the water course to date and would like to know whether the Environment Agency has been contacted for initial discussions. More detailed information is required on the drainage of waste to resolve concerns should the Environment Agency not accept the initial proposal.



There appears to be no evidence of adequate landscaping being proposed with this application. Application 27/14/0002 describes a new vehicular access and landscaping which should be monitored to ensure this is carried out sufficiently.

The lanes in Hillfarrance are narrow and there are concerns that increased traffic may have an impact on villagers walking, riding and cycling around the lanes. This would have to be addressed by the Highways Department to satisfy safety issues.

The Parish Council request TDBC Planning Department take into account our thoughts and refuse planning permission.

*LANDSCAPE* - Proposed agricultural building/haystack along with landscaping conditioned as part of application 27/14/0002 will help screen the development from the south. Details of landscaping are required. Care must be taken not to damage roots of the hedge when installing the acoustic fence.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - A sound report by Curload Consultants has been submitted in relation to the above planning application. This report is supported by a noise report carried out by Soundguard Acoustics Ltd and provides additional information to determine the impact of any noise upon the nearby residents as a result of the proposals and the likelihood of complaint as a result of noise. As noted in the Curload report, there is no specific criteria for the assessment of dog barking.

The report assumes that an agricultural building and noise barrier has been built and contains specific details relating to acoustic construction materials of the kennels, such as acoustic ventilation, and how these materials relate to noise reduction. These extra details support the conclusion that noise levels during the night (doors closed) and during the day time (sufficient management for short term extreme barking events) should be acceptable. However, it is possible that barking may be audible in the surrounding area.

Comprehensive supporting information detailing the day-to-day operation of the kennels have been submitted and as long as the building specifications are adhered to and the kennels managed appropriately, I have no objection to the application.

*Comments on Drainage taken from previous application* – Wouldn't usually comment on drainage provisions....the treatment plant should comply with building regulations and if discharged into a watercourse, a consent issued by the environment agency.

*DRAINAGE ENGINEER* - I note that foul sewage is to be disposed to a package treatment works and surface water to watercourse. Suggest consult Environmental Health on proposed adaption and re-use or grey water and storage of roof water on site. Query whether Environment Agency have been consulted. Details of how track and areas surrounding kennel blocks are to be drained should be submitted.

## **Representations**

40 letters of OBJECTIONn have been received on the grounds of:

- Application has very little difference to last application.
- Kennels will now be closer than before, concerns regarding noise and intrusion to neighbouring properties including Altona Park (Caravan park), luxury B & B, village of Hillfarrance as a whole, particularly as Higher Knapp Farm is on higher ground level than surroundings.
- Proposal would ruin peace and tranquillity of countryside, noise pollution could be detrimental to wildlife and breeding livestock.
- Concerns regarding impact on luxury B & B, dwelling and camping facilities opposite.
- Would not stay at Knapp farm again if there were kennels nearby (several representations from previous guests at Knapp). It would detract from the unique serenity.
- The noise from existing kennels in Oake is bad enough, two kennels in close proximity to each other will be unbearable.
- The applicant's own dog can often be heard barking, more dogs would be even worse.
- Additional noise-proof fencing not in keeping with surrounding area.
- The roads are used for horse riding and dog barking could throw the riders off.
- Increase in traffic on narrow and windy roads where there is a 60mph speed limit, increased hazard to walkers/cyclists.
- Nearby roads flood already, additional concrete will make matter worse.
- No economic benefit to the village or local economy, will not produce additional jobs or GDP.
- Development may have an adverse impact on the Langs Farm SSSI.
- Query whether agricultural building forms part of application and whether openings in north-west elevation are doors or windows.
- Believe development plan does not support application and no material considerations indicate it should be granted. Not considered an appropriate use adjacent to residential properties.
- Concerns regarding level of mitigation required including a new building/haystack, noise barrier and sound insulation. Concerns that wooden fences and conifers would not be effective in stopping noise.
- Critique provided of both Soundguard Acoustics report and Curload Consultants report. Concerns as to how noise report has been carried out.
- Request committee to hold a site meeting.
- Other non-planning matters raised including other businesses at site, neighbour relationships, no exercise area for dogs, cumulative impact of permitting lot of small businesses, area already well served by other kennels, devaluation of properties, general development of that area.

Video of barking dogs also submitted.

4 letters of SUPPORT received in the grounds of:

- Currently have to take dog to separate place to cat.
- Lack of good kennels and good few always fully booked. Difficult to find good kennels.
- At the RSPCA animal centre in West Hatch, dogs can only be heard in the car park.
- Previous work done at Higher Knapp has made it very attractive.

- The proposals are unlikely to generate a significant amount of additional traffic.
- The scheme has been well thought out with a well-designed and well enclosed facility with additional noise attenuation measures proposed.

## **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,

## **LOCAL FINANCE CONSIDERATIONS**

None

## **DETERMINING ISSUES AND CONSIDERATIONS**

Section 3 of the NPPF supports sustainable growth and expansion of all types of business and enterprise in rural areas in order to create jobs and prosperity, as well as promote the development and diversification of agricultural and other land-based rural enterprises. Policy DM1 states that development should avoid harm to the appearance and character of any affected landscape, building, settlement or street scene and that any nuisance, which could arise should not unacceptably harm the amenities of individual dwellings or residential areas. Policy CP8 supports development at sustainable locations to improve green infrastructure, visual amenity and overall quality of the environment but states development on unallocated greenfield land will be strictly controlled in order to conserve the environmental assets and open character of the area.

### Impact on the character and appearance of the area

The proposed buildings are to be located to the north-west of the existing buildings and dwelling at Higher Knapp Farm. The previous application sought to locate the kennel buildings a further distance away from the buildings and to the east of the existing well established hedge. The scheme now proposed, locates the kennel buildings in closer proximity to the existing agricultural building, being 20 metres from it. As such, the main building would be adequately related to existing buildings and would not encroach out into the countryside to an unacceptable level. The isolation unit is a further small scale building that would be closely related to the main building.

The use of timber cladding to the walls is considered an appropriate material for a rural setting that would not appear stark in appearance. The roofs were initially suggested to be green aluminium but have since been amended to anthracite sheeting, which are not deemed to appear unduly prominent in the landscape and is commonly used for agricultural and other rural buildings. The proposed buildings are designed to be reasonably low in height and would be partly screened from the road by the well-established roadside hedge. This screening will be increased further by the new planting as conditioned under the recent planning permission for the new access. A well-established hedge also lies to the north-east of the proposed buildings, which would largely screen the buildings from that direction, whilst the buildings would be viewed against the backdrop of this hedge from the

south-west. Concerns have been raised regarding the 3m high acoustic fence. This would lie adjacent to the existing hedge and would therefore be screened by it from the east. It is noted that the hedge is currently being laid and the applicant has suggested that this would provide a better hedge over the longer term. It is therefore recommended that a condition is imposed to lay the hedge and allow this to grow up to a height of 3 metres, which shall thereafter be retained as such. From the west, it would not appear prominent due to the position of the buildings in front of it and therefore only sections would be visible. It is acknowledged that a solid timber fence is not typical of rural areas, although in view of its relationship with surrounding buildings and landscaping, is not deemed to lead to excessive harm to the surrounding countryside.

The landscape officer is satisfied with the proposal, subject to details of landscape planting, which will need to be submitted to discharge the condition attached to the recent planning application for the new access. The landscape officer has also highlighted that care should be taken when installing the fence to avoid harm to the roots of the hedge and a note to the applicant to this effect is suggested. Whilst it is acknowledged that there would be some glimpses from public viewpoint, the buildings are not deemed to cause harm to the appearance of the landscape.

In order to reduce potential noise disturbance (see below) the applicant's acoustic engineer has assumed that a further agricultural building has been erected to the southeast of the kennel building. Further discussion with the consultant has confirmed that the building itself does not actually have any significant acoustic value, instead it is the contents of the building that will provide the sound attenuation. In this regard, the applicant proposes to build a hay stack/hay bale wall to the southeast of the kennels, returning along the southwestern side. This will clearly have some visual impact – more if haylage is used as the bales would be wrapped. The hay stack would have to be 7m high in order to provide the necessary sound attenuation. However, it too would be seen within the context of the existing farm buildings. It would be a bulky structure, but would be agricultural in nature and is not considered to have such a visual impact as to warrant refusal of the application.

#### Impact upon highway safety

The proposal would utilise the recently permitted new access. In determining the application for the access, a full assessment was made on its acceptability in highway safety terms and adequate visibility splays were conditioned. As such, it is considered capable of accommodating the proposed boarding kennels. Furthermore, it would be positioned away from the access to Knapp Farm opposite the current access, reducing traffic conflict between the two accesses as well as potential disturbance of people coming to and from the kennels. In addition, the County Highways Authority is satisfied with the level of parking and that turning can be achieved within the site. On this basis, the proposal is not deemed to result in detriment to highway safety.

Concerns have been raised as to the increase in traffic movements to the site and the increased impact upon the narrow, windy country lanes. Whilst it is acknowledged that there would be some increase, it is important to note that there are already a certain amount of traffic movements taking place in association with

the cattery. It is plausible that a proportion of the people bringing cats to the cattery would also have dogs and therefore combine the trip. It is also important to note that a collection/delivery service is operated from the cattery and it is proposed to extend this to the kennels. As such, the level of increased traffic movements would not be proportionate to the number of dogs that the kennels could accommodate and the County Highways Authority do not have concerns on this matter.

### Impact upon the residential amenities of nearby properties

A great deal of objections are raised regarding the noise and disturbance generated by dogs barking at the kennels. Following the previous application being refused, a further noise report has been undertaken, this time by Curload Consultant's and submitted. This has been assessed by the Council's Environmental Health Section, as specialists in that field. In the case of noise and disturbance, it is generally customary to regard these issues as a matter for the managers of the kennels. It follows that, generally, a carefully designed and well managed facility should not cause significant noise and disturbance and consequent detriment to the amenities of nearby residents.

The noise report sets out the acoustic detailing of the building, including cavity masonry walls using heavyweight blocks, double glazing with airgaps, careful positioning of Passivent Fresh ventilation with good acoustic performance to the north-west elevation, rockwool insulation under the aluminium roof with two layers of plasterboard below and an acoustic ceiling incorporating an airgap. In addition to the acoustic design of the building, further noise attenuation is included in the form of the 3 metre high acoustic fence and a hay stack/hay bale wall to the southeast. As such, significant noise attenuation measures have been included beyond that of the previously refused scheme.

Your officers have given substantial consideration to the proposed hay stack and its ability to be effectively controlled. In many ways it seems a somewhat contrived method of attenuating noise. That said, following discussions with the applicant's acoustic consultant, your officers are satisfied that it will be capable of delivering the required attenuation assumed in the noise report. Your officers are satisfied that a condition can be drafted that would mean that should the hay stack be reduced below that required then the use of the kennels would have to cease.

These further measures support the conclusion that noise levels during the night, when doors are closed and during the day time when there is sufficient management in place to deal with short term extreme barking events, should be acceptable. Concern has also been raised suggesting that it is not just night time noise that would cause potential problems; continuous barking during the day could also lead to injury to amenity. Indeed, during the day, the kennel doors are likely to be open for ventilation and the dogs would have to be exercised. However, again, if the facility is well managed, there is no reason to suspect that there would be regular protracted episodes of barking.

Regardless of this, it is acknowledged that some barking may be audible in the surrounding area and that no noise assessment will be able to categorically state that there will or will not be a noise nuisance. A further report stating the day to day management strategy for the proposed business is also included. It would therefore

appear that the applicant is fully aware of the potential for there to be some noise generated from the business and has made provision to ensure that this is minimised. As such, the Environmental Health Section raise no objection to the application, provided the building is constructed in accordance with the specifications provided and the kennels managed appropriately and conditions to this effect are recommended. Letters received from local residents raised concerns regarding the noise assessment and a critique of the noise assessment by MAS Environmental has been submitted. Your Environmental Health officer has reviewed this and has not changed his opinions.

It should be noted that there is provision to investigate complaints regarding noise under the Environmental Protection Act 1990 and as such, this matter could be dealt with by the Environmental Health Section, if future complaints should arise. This is not suggested as an alternative, but simply highlights that there is a procedure for the investigation of noise complaints. Accordingly, it is considered that the objections on noise grounds cannot be given sufficient weight to justify the refusal of planning permission.

It is also important to note that the closest residential property to the proposed kennels is in fact the dwelling in which the applicant resides, only 50 metres away. It would therefore follow that the applicant would seek to ensure that any noise associated with the dog kennels is kept to a minimum so as not to impact upon his own residential amenities. Furthermore, it is important to note that this also shows that there is someone residing on site to tend to the animals if any noise was to occur during the night.

#### Other matters

Concerns have been raised regarding flooding of the road and the Council's Drainage Officer queries how the surface water runoff from the track and areas surrounding the kennels would be dealt with. The new track was dealt with under application 27/14/0002 for the new access and a condition was attached stating that provision shall be made within the site for the disposal of surface water before the access is brought into use. The runoff from the track itself would therefore be dealt with under that previous condition. It is suggested that a similar condition should be attached to this application requiring details to be submitted for the disposal of surface water for the areas surrounding the kennels. Furthermore, it is not considered that the proposed scheme would result in a significantly increased impact on water flows or flooding along this lane and the appropriate consents should be obtained from the Environment Agency regarding drainage.

The site is within around 300-400m of the Lang's Farm Site of Special Scientific Interest (SSSI). Having considered guidance from Natural England, it is considered that it is unlikely that the development would have an adverse impact upon the SSSI

#### Conclusion

In conclusion, it is acknowledged that there could be dog barking in association with the use of the kennels that may generate noise. As stated above, the management of the kennels is a key factor in preventing and mitigating any potential noise and a well-managed facility could operate without harm to the living conditions of nearby

residents, as is evident with other kennels within the Borough. In comparison to the previous scheme, substantial physical measures have been put in place such as the acoustic fence and the building has been fully designed to incorporate noise attenuation measures. On this basis, it is not considered reasonable to withhold permission as the evidence suggests that the proposal is unlikely to result in significant noise disturbance.

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

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**APPEALS RECEIVED FOR COMMITTEE AGENDA – 15 OCTOBER 2014**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/A/14/2224797	ERECTION OF TIMBER SHED IN THE REAR GARDEN OF 17 CLOVER MEAD, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)	38/14/0201