

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 7 January 2015 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 10 December 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 49/14/0058 "Erection of 2 No. agricultural buildings for the rearing of livestock and storage at Der Bauernhof (the farm), Jews Lane, Maundown, Wiveliscombe
- 6 44/14/0010 "Change of use of land and erection of dog breeding kennels at Beacon Lane Farm, Voxmoor, Wellington (retention of works already undertaken)
- 7 38/13/0035 Erection of 19 affordable apartments in a four storey block on land know as area F, Firepool Lock, Taunton
- 8 38/14/0076 Erection of 5 No. affordable housing dwellings on land known as area F, Firepool Lock, Taunton
- 9 38/14/0355 Demolition of buildings and the erection of 66 No flexible living retirement flats and 12 no assisted living flats for people with learning difficulties (class C2 usage) and associated works at Parmin Close, Taunton
- 10 38/14/0369 Installation of brick and stone ramp to the west face of the building to provide wheelchair access to the new Taunton Information Centre, the Market House, Fore Street, Taunton
- 11 25/14/0028 Installation of 5mw Solar Farm and associated infrastructure at Land East of Montys Farm, Norton Fitzwarren as amended
- 12 E00734612 - Gerbestone Lodges, Gerbestone Lane West Buckland

- 13 49/14/0064 Demolition of outbuildings with erection of two storey side extension at 1 West Road, Wiveliscombe
- 14 42/14/0065 Replacement of garage with erection of two storey side extension at 12A Trull Green Drive, Trull
- 15 38/14/0409 Erection of two storey side extension and single storey rear extension at 8 Parkfield Drive, Taunton
- 16 05/14/0051 Replacement of attached garage with erection of single storey extension to the side of Bramdean, Bishop's Hull Road, Bishop's Hull (retention of part works already undertaken, resubmission of 05/14/0034LB)
- 17 05/14/0050 Replacement of attached garage with erection of single storey extension to the side of Bramdean, Bishop's Hull Road, Bishop's Hull (retention of part works already undertaken, resubmission of 05/14/0036)
- 18 Planning Appeals - The latest appeals and decisions received (attached)

Bruce Lang  
Assistant Chief Executive

20 February 2015

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.

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



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

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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**Planning Committee Members:-**

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

## **Planning Committee – 10 December 2014**

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

Officers: - Bryn Kitching (Development Management Lead), Tim Burton (Assistant  
Director Planning and Environment), Gareth Clifford (Principal Planning  
Officer), Roy Pinney (Legal Services Manager), Maria Casey (Planning  
and Litigation Solicitor) and Tracey Meadows (Corporate Support  
Officer)

Also present: Councillor Cavill in connection with application No. 48/14/0035 and  
Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### **115. Apologies/Substitution**

Apologies : Councillors Bishop and Miss James

Substitution: Councillor Denington for Councillor Bishop

### **116. Minutes**

The minutes of the Planning Committee meeting held on the 26 November  
2014 were taken as read and were signed.

### **117. Declarations of Interest**

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal  
interests as Members of Somerset County Council. Councillor Coles also  
declared that he was Ward Councillor for application Nos 38/14/0357,  
38/14/0371 and 38/14/0372LB. Councillor Mrs Hill declared a personal  
interest as an employee of Somerset County Council. Councillor Tooze  
declared a personal interest as an employee of UK Hydrographic Office.  
Councillor Nottrodt declared a personal interest as a Director of Southwest  
One. Councillor Wren declared a personal interest as he was Clerk to  
Milverton Parish Council. Councillor Morrell declared that he was the Ward  
Councillor for application No. 05/13/0067.

### **118. Applications for Planning Permission**

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

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

**38/14/0357**

**Conversion of dwelling into five self-contained units at 16 Victoria Street, Taunton**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A3) DrNo 5028\_01E Proposed Floor Plans;
  - (A3) DrNo 5028\_02 Existing Floor Plans;
  - (A4) DrNo 5028\_03 Location Plan;
  - (A4) DrNo 5028\_04B Site Plan;
- (c) Lockable cycle and bin storage, as indicated on the illustrative plan submitted, shall be provided on site prior to occupation of the flats hereby permitted
- (d) and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority;
- (e) The replacement windows to the front of the building shall be as indicated on the submitted drawing 01 Rev E and there shall be no variation thereto without the agreement in writing of 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 and had imposed planning conditions to enable the grant of planning permission.)

**38/14/0371**

**Change of use of second floor office to residential flat at 2 Middle Street, Taunton**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this development;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A4) DrNo 5030\_P01 Location Plan;
  - (A4) DrNo 5030\_P02 Rev A Site Plan;
  - (A2) DrNo 5030\_P\_03 Existing and Proposed Floor Plans;

- (c) The parking space shown on drawing 5030\_P\_02 Rev A shall be made available prior to the residential unit hereby permitted being brought into use and shall thereafter only be used in connection with the development hereby permitted;

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

**38/14/0372/LB**

**Conversion of second floor office to residential flat at 2 Middle Street, Taunton**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) DrNo 5030\_P\_01 Location Plan;
  - (A4) DrNo 5030\_P\_02 Rev A Site Plan;
  - (A2) DrNo 5030\_P\_03 Existing and Proposed Floor Plans;
- (c) The parking space shown on drawing 5030\_P\_02 Rev A shall be made available prior to the residential unit hereby permitted being brought into use and shall thereafter only be used in connection with the development hereby permitted;

(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 had imposed planning conditions to enable the grant of planning permission.)

**48/14/0035**

**Erection of 2 No. single storey dwellings with demolition of existing structures at South View Court, Monkton Heathfield, West Monkton (re-submission of 48/13/0018)**

**Conditions**

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

- (A4) Location Plan;
  - (A2) DrNo 2912/1 Rev A Site Plan;
  - (A3) DrNo 2912/6 Plans and Elevations as Existing;
  - (A2) DrNo 2912/10 Rev A Proposed Site Plan;
  - (A4) DrNo 2912/11 Rev A Floor Plan -Plot 1;
  - (A4) DrNo 2912/12 Elevations Plot 1;
  - (A4) DrNo 2912/13 Rev A Floor Plan Plot 2;
  - (A4) DrNo 2912/14 Rev A Elevations Plot 2;
  - (A4) DrNo 2912/15 Rev A Elevations Plot 2;
  - (A4) DrNo 2912/16 Elevations Plot 1;
  - (A3) DrNo 2912/17 Site Section A-A;
- (c) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2 m from the edge of the hedge and the fencing shall be removed only when the development had been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
- (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) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any Order revoking and re-enacting the 1995 Order with or without modification), no extension, conservatory, garage, car-port, any outbuildings, additional windows, dormer windows or additional rooflights shall be carried out or erected without the further grant of planning permission;
- (f) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the bathroom windows to be installed in the northern elevations of the dwellings shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (g) The area allocated for parking/turning on the submitted plan 2912/10A shall be properly consolidated, surfaced, drained and marked out before the dwellings hereby approved are occupied and shall not be used other



than for the parking/turning of vehicles in connection with the development hereby permitted and for the owners/occupiers of the flats at Southview;

- (h) No dwelling shall be occupied until spaces have been provided within the site in accordance with plan no 2912/10A for bicycles to be parked;
- (i) The existing levels of the land, as shown on plans 2912/1A and 2912/10/A, upon which the buildings are to be erected and proposed floor levels of the dwellings shall not be increased in height to facilitate their construction unless with the written permission of the Local Planning Authority;
- (j) The development hereby permitted shall not commence until such time as details of the sewage disposal and surface water drainage have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details;

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised that new water supply and waste water connections will be required from Wessex Water to serve this proposed development. Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence. Further information can be obtained from the New Connections Team. No building will be permitted within the statutory easement width of 3 m from the pipeline without agreement from Wessex Water. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus; (iii) 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; (iv) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991.)

**119. Outline planning application for provision of student accommodation comprising up to 210 bed spaces, associated parking, landscaping and provision of sports pitches, including an all weather floodlit pitch, at Somerset College of Arts and Technology, Wellington Road, Taunton (05/13/0067)**

Reported that at its meeting on 19 March 2014, the Committee had granted outline planning permission for this development subject to (i) a Section 106 Agreement to secure various measures and (ii) the planning conditions, both of which were set out in Minute No. 34/2014.

The application had come back to Members for further consideration following the implementation of the Community Infrastructure Levy on 1 April 2014 and the decision of the Secretary of State not to call in the scheme in connection with the loss of playing field space.

The proposal sought outline permission for new halls of residence for students on the Wellington Road campus with up to 210 bed spaces, a new access from the internal road, the provision of a floodlit all weather pitch and grass football pitches for 5-a-side and 7-a-side. Following Sport England comments the scheme now proposed an intention to upgrade the existing all weather pitch and track at Castle School to enhance provision as part of a wider vision which had been agreed in principle for the shared use of all of the College's and School's sporting facilities combined. Community access to all of these facilities would be increased. A smaller floodlit training pitch would also be provided on the College land instead of the full size pitch and newly laid, drained, grass pitches would be retained on the remainder of the site providing a 7-a-side football pitch and a larger pitch suitable for 13-14 year old matches. The student accommodation would be in three and four storey buildings and all matters were to be reserved, other than access to the road to Heron Drive.

The scheme had been submitted with a Design and Access Statement, Planning Statement, Statement of Community Involvement, Flood Risk Assessment, Habitat Reports, Transport Statement, Travel Plan, Tree Survey, Landscape and Visual Amenity Statement and Ground condition survey.

**Resolved** that the Committee's previous decision to grant outline permission be re-affirmed subject to:-

- (i) The applicants entering into a Section 106 Agreement to secure:-
  - (a) The improvements to Castle School running track and all weather pitch;
  - (b) Provision of a community use agreement for all the sports facilities; and
  - (c) Linking the timing of the student accommodation provision to development at Canonsgrove; and
- (ii) The planning conditions detailed in Minute No. 34/2014 being complied with

**120. Outline planning permission for residential development comprising up to 37 dwellings with associated parking and landscaping at Canonsgrove Halls of residence, Honiton Road, Staplehay (as amended) (42/13/0079)**

Reported this application.

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

- (a) The maintenance for play area and open space, wildlife areas and water attenuation feature at Canonsgrove; and
- (b) Linking the timing of the residential development at Canonsgrove to student accommodation provision at Somerset College,

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

**Conditions**

- (a) Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;

- (c) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall ensure that surface water run-off rates from the developed site are restricted to a maximum rate of not more than 2 litres per second per hectare for all storm periods up to and including for the 1 in 100 year plus climate change event and shall include details of phasing and maintenance for all surface water drainage infrastructure. The development shall subsequently be implemented in accordance with the details approved;
- (d) 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 WYG's Extended Phase 1 Habitat Survey Report dated December 2013, Bat Activity Survey Report dated January 2014, Great Crested Newt survey report dated January 2014, Hazel Dormouse Survey dated January 2014 and Reptile survey dated January 2014 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;
  - Details of lighting;
- Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented;
- (e) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
- (f) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority;
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority;

- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (g) Details of the siting of any temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details should also include details of where soil or materials is to be stored on site. Development shall, thereafter, be carried out in accordance with the agreed details;
- (h) Before any part of the development hereby permitted is commenced a plan showing:
- (a) the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2012); and
- (b) details of the species, height, trunk diameter at 1.5 metres above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site;
- (i) In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use;
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:2012 (Tree Work)];
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;
- (j) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior

written agreement of the Local Planning Authority; Note: the protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012;

- (k) Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery;
- (l) A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. Details of the proposed play area shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the first dwelling hereby permitted. The scheme shall be constructed in accordance with approved details within 18 months of the first occupation and shall thereafter be retained as such and used solely for the purpose of children's recreation;
- (m) No dwelling shall be occupied until a Travel Plan for this development has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan implemented within two months of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved;
- (n) At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road levels within the visibility splays shown on the submitted plan (00244\_L021RevG). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (o) There shall be an area of hard standing at least 6 meters in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type;
- (p) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;
- (q) Prior to the commencement of development hereby permitted a drainage survey shall be carried out and submitted in writing by the Local Planning Authority and no work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to, and approved in writing by, the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless

otherwise agreed in writing with the Local Planning Authority and thereafter maintained as such;

- (r) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- (s) In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority prior to the commence of development;
- (t) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle, and cycle 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;

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

## **121. Appeals**

Reported that one decision and one appeal were received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.10 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



49/14/0058

MRS M RATTENBURY

**ERECTION OF 2 NO. AGRICULTURAL BUILDINGS FOR THE REARING OF LIVESTOCK AND STORAGE AT DER BAUERNHOF (THE FARM), JEWS LANE, MAUNDOWN, WIVELISCOMBE**

Location: LAND AT NORTH RODDEN FARM, MAUNDOWN ROAD,  
WIVELISCOMBE, TAUNTON, TA4 2BU

Grid Reference: 306285.128947 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) Bottom Barn Elevations and Floor Plan  
(A3) Top Barn Elevations and Floor Plan  
(A4) Location Plan

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

3. No building hereby approved shall be erected on the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: Given the proximity of the site to known archaeological remains and heritage assets, thereby affording protection to any archaeological remains within the site in accordance with Para 141 of the National Planning Policy Framework.

**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.

## **PROPOSAL**

The application seeks planning permission for the erection of two agricultural buildings on land off Jews Lane, Maundown.

The proposed buildings will both be used for the housing of livestock and storage of feed, materials, implements, machinery and a small workshop. They will be of a portal frame construction; the northern barn will be finished externally in green box profile sheeting whilst the Southern barn will be finished with timber boarding.

In terms of scale, the northern barn will be linear in form and measure 18m x 4m with a height of 2.87m. The southern barn will be of an L-shape plan form and measure 20m x 8.2m with a height of 2.87m. The application states that manure and similar waste products from the site will be re-used to fertilise land within the holding.

The applicants are in the process of establishing a goat rearing and market garden business at the site; the latter would look to produce Wasabi, and further details as to the suitability of the site for this product has been provided.

## **SITE DESCRIPTION AND HISTORY**

The application site comprises 3.5 hectares of agricultural land at Maundown, Wiveliscombe. The land ascends sharply to the south. It is generally laid to grass and bound by mature hedgerow and areas of dense woodland planting. There is a small building currently on the land and will be replaced by the northern most building proposed. It is of timber and brickwork walls with a mono pitched roof. A group of trees line the field boundary immediately to the north of the existing building. Similarly, there are trees to the south and east of the southern most building proposed. A new access has been formed off Jews Lane, an unclassified adopted highway.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WIVELISCOMBE TOWN COUNCIL* - Question the need for two large buildings on a 7.45 acre site and whether the business will require a residential property to support the agricultural work proposed.

*SCC SENIOR HISTORIC ENVIRONMENT OFFICER* - The sites lie in close proximity to an area in Maundown where Early Bronze age cremations have been identified, together with late Iron Age and Roman activity. The proposals therefore have the potential to impact upon a heritage asset.

For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in

the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

## **Representations**

Wiveliscombe Civic Society - OBJECT to the proposed development for the following reasons:

- Large amount of earth works and movement will be required to level sites for two very large buildings;
- The lane is one carriageway wide, with ditches either side for excessive winter runoff; potholes litter the lane; further development will erode the lane further with increased large vehicle movements;
- Visibility from Jews Lane on to the main Maundown road is tight and limited;
- Not heard of any need for livestock farming in the area and questions the need for goats to be reared here. Understand such requires a huge amount of attention; this begs the question whether they will apply for residence on site in the future.

1 letter from neighbouring residents - OBJECT to the proposed development. Question suitability of North facing land for market gardening. Concerned that rearing livestock will require living closer to site than at present. The track has pot hole signs top and bottom. Will more traffic make it more dangerous?

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
CP8 - CP 8 ENVIRONMENT,  
NPPF - National Planning Policy Framework,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The objections to use of the track are noted, however planning permission is not required for the formation of an access off an unclassified highway, over which the public and applicant have the right of movement. Further, access to the land is reasonable in order to allow for its upkeep and would likely occur with or without the proposed buildings; highway safety, access and suitability of the track is not therefore a matter to be considered in detail here. Similarly, concern has been raised about the possible need for a dwelling on the site in the future. Whether or not that is the intention of the applicants does not fall to be considered at this time as each application must be considered on its own merits. The topography of the site is not suited to all livestock, but goats seems to me to be an appropriate species. Questioning the need for livestock farming in the area is an odd reason to object given the location within open countryside where agriculture is generally the

primary economic activity.

The maintaining of the land will require machinery and material storage whilst livestock also require housing. The proposal for buildings to support this new business is acceptable in principle, having regard to Policy DM2 of the Core Strategy. The pertinent issues to consider are the impact of the proposed agricultural buildings upon residential amenity and the character and appearance of the landscape.

### Residential amenity

No objection has been received specifically regarding the impact of the development upon neighbouring amenity, however the housing of livestock close to residential properties can often cause a nuisance. In this instance, the principle stock shed will be located approximately fifty metres from the nearest residential property, located Northwest of the site. Such proximity gives potential for nuisance to be caused through noise and odours, however regard must be had to the fact that the new building will replace an existing structure, which could be made good and used for the same purposes. Whilst the new building will allow for increased stock numbers to be housed the additional impact is not likely to be significant and the closest neighbour does not object.

The second building to the southern periphery of the site will be some 150 metres from Maundown Cottage; its use will be mixed to serve a number of functions on the holding. Its distance from the nearest neighbour and intervening topography and planting will mitigate any potential impact upon amenity from its use.

The use of the land as a market garden does not require planning permission and any impact upon amenity from this, or the general grazing of the land cannot be attributed significant weight. Therefore, taking the above matters into consideration, the proposed buildings are not considered to adversely affect neighbouring amenity.

### Landscape Impact

The application site is located on an elevated parcel of land set above the area of Maundown; the site has open views to the North, looking out over the new Maundown water treatment works. Views into the site are restricted, other than from the North, by the topography of the landscape and the dense areas of woodland and planting to the South, East and West.

The stock barn positioned to the North of the main yard area and closest to existing properties, will sit on a levelled area of the field which already contains a shelter for livestock; it sits behind a bank and line of mature trees, which largely obscure any direct views of the existing and proposed building. This screening, the topography of the land and the lack of publicly accessible vantage points mitigate any adverse landscape impact that might otherwise arise out of the proposed building. It is of a suitable design, scale and finished appearance and is not considered to adversely harm visual amenity or landscape character within the area.

Turning to the proposed building positioned along the Southern boundary of the

holding, it is noted that this location is very elevated and holds long distance views, albeit these are restricted to the North by surrounding woodland planting. Other than through the recently formed access, this building is unlikely to be visible within the wider landscape. Any view from the North would be at a long distance only. The building, if visible, would be seen sitting below dense tree planting; its timber exterior walls softening its appearance further. Despite its scale, this building would not give rise to a significant landscape impact.

### Conclusions

The County Archaeologist has requested a condition be attached to any approval due to proximity to known heritage assets in the area. The applicant does not object to such a condition and for this reason it is deemed appropriate. As stated above, the proposed development is of an appropriate design, scale and siting and as a result the proposed development will not adversely impact upon visual or residential amenity. It is therefore recommended that planning permission be granted subject to conditions.

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

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

44/14/0010

MRS J COATE

**CHANGE OF USE OF LAND AND ERECTION OF DOG BREEDING KENNELS AT BEACON LANE FARM, VOXMOOR, WELLINGTON (RETENTION OF WORKS ALREADY UNDERTAKEN)**

Location: BEACON LANE FARM, FOXMOOR ROAD, WELLINGTON, TA21  
9NX

Grid Reference: 314070.11764

Retention of Building/Works etc.

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Temporary Approval

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

1. The use of land and buildings hereby permitted shall be discontinued and the land restored to its former condition on or before 31 January 2017 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.

Reason: To allow the Local Planning Authority to reassess the impact of the use and development upon the Blackdown Hills AONB and local residential amenity within an appropriate time frame.

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

(A4) Location Plan  
(A4) DrNo EC Elevations  
(A4) DrNo EB1 Elevations  
(A4) DrNo EA1 Elevations  
(A4) DrNo 201/B1 Site Plan

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

3. (i) Within 1 month of the date of the Decision Notice, 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 the landscaping scheme being approved, 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 Blackdown Hills AONB in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

4. Unless within 1 month of the date of this decision schemes for:
- The new boundary fencing to be erected between Range C of the adjoining live-work unit and the east elevations of Unit Type C.
  - Means of enclosing window and door openings to runs of Unit Types A and B

are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 1 month of the local planning authority's approval, the use of the site shall cease until such time as a scheme is approved and implemented.

Reason: To ensure that the proposed development is fully enclosed in order to prevent potential sources of nuisance and disturbance to dogs within the site, to the benefit of the Blackdown Hills AONB and local residents.

5. If no scheme in accordance with condition 4 above is approved within 3 months of the date of this decision, the use of the site shall cease until such time as a scheme approved by the local planning authority is implemented.

Reason: To ensure that the proposed development is fully enclosed in order to prevent potential sources of nuisance and disturbance to dogs within the site, to the benefit of the Blackdown Hills AONB and local residents.

6. There shall be no external access to the training areas for dogs housed within Kennel Type C between 20:00 hours and 07:00 hours the following day.

Reason: To reduce any potential noise and disturbance within the area, to the benefit of the Blackdown Hills AONB and residential amenity within the area.

7. No more than 30 breeding bitches shall be kept on the site at any given time.

Reason: The current size of the business has been shown not to have an adverse impact upon the amenity of the area and it is necessary to prevent its increase.

Notes to Applicant

## **PROPOSAL**

The application seeks planning permission for the erection of 7 timber kennel structures and associated training/yard areas and boundary fencing in order to house approximately 50 dogs. Unit C will be altered, increasing the degree of timber

cladding and fully enclosing openings. The smaller six units will be aligned so that openings face West onto the larger building and enclosed training area. The kennel units are generally of timber boarding with a combination of perspex and metal wire to window and door openings. Dogs are trained, or allowed free time within the specified areas for 3 hours per day, split evenly into one morning and one afternoon session.

The kennel buildings were located to this site on 28 March 2014 following enforcement action at an alternative location. The unauthorised development, subject to this application, is subject to an enforcement notice, to which an appeal is currently ongoing, although a postponement has been agreed in order for this application to be determined by the Council.

## **SITE DESCRIPTION AND HISTORY**

Beacon Lane Farm is in an isolated site approximately 2 miles from the centre of Wellington. The site is set within a remote rural area within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and approximately 525 metres Northeast of Wellington Monument, a Scheduled Ancient Monument.

The site is accessed from junction from an unclassified road by way of a single track access way approximately 560 metres in length. The track has recently been upgraded with stone scalping's. This access track also forms a Public Right of Way (WG13/23), which follows the line of the track from the highway through a small wooded area to the complex of barns. These are in an elevated position within the local landscape. The site is surrounded by a collection of mature trees and native species hedgerows to the north and west.

Planning permission was granted in January 2012 for the change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space. Work on converting the barn to residential accommodation has been completed but the outbuildings planned to be used in connection with the dog breeding business has yet to be commenced.

A previous site to the South has been used for housing dogs. The use had no planning permission and therefore Members authorised the serving of an Enforcement Notice to cease the use of land for the stationing of timber structures to house dogs. A planning appeal was dismissed and the notice was not complied with within the time so Prosecution action was taken against the owner of the land. Subsequently the structures were relocated on a small area of land to the north of the converted barn but outside of the area originally granted Planning permission for the Live/work proposal.

In terms of planning history, the following applications relate to the site:

- 44/88/0017 - Conversion of agricultural barns to dwelling - refused 01/1989
- 44/09/0014 - Demolition of barns and provision of new agricultural building - permitted 12/2009
- 44/11/0011 - Conversion of barns to live /work unit - refused 09/11
- 44/11/0020 - Conversion of barns to form a dog breeding enterprise and formation of residential space - permitted 01/12



44/14/0001 - Change of use of land and siting of dog kennels to the South of Beacon Lane Farm - Refused and appeal dismissed.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WELLINGTON WITHOUT PARISH COUNCIL* - From the beginning of this case the Council have been opposed to the development and the ever increasing noise nuisance and encroachment outside the development area and the erection of Wooden structures to house dogs. The case through all its phases has been closely monitored by the Council and has appeared on the Formal Minutes of their monthly meetings.

In conclusion the unauthorised development have been a blight on the surrounding areas and has caused distress to near neighbours and been the constant source of much correspondence from the many walkers and ramblers who use this vital footpath which leads to a National Monument.

Therefore the Council most **STRONGLY OBJECTS** to this development and wish its removal as soon as legally possible.

*LANDSCAPE* - Subject to landscaping details the proposals are acceptable.

*ENVIRONMENTAL PROTECTION CONTAMINATED LAND* - Thank you for consulting on the above application. Some information regarding noise has been submitted with the application "Environment Noise Assessment, 30<sup>th</sup> July 2014, Acoustic Associates South West Ltd". Noise is also mentioned in the Design and Access Statement, June 2014, which was provided with the application.

The Noise Assessment includes details of a site visit by the consultant and also noise modelling to predict levels of noise at nearby premises. When the consultant visited the site it was noted that the dogs did bark when fed in the morning and when visitors arrive on site but that it was not prolonged. Noise monitoring was carried out outside the nearest residential properties (Gidlands Cottage and Dowland's Farm). At the time of the visit the consultant could not hear the dogs barking at these properties (the kennels were telephoned to check that the dogs were barking). Noise measurements were taken but these did not measure any noise levels from the dog barking.

Noise modelling was carried out to estimate the level of noise from the dog barking at nearby premises. The modelling estimated that the maximum noise levels (L<sub>Amax</sub>) would be 30dB or below and the L<sub>Aeq</sub> would be 8dB lower. The predicted levels were compared to noise criteria, although the report does acknowledge that there are no specific criteria for noise from dog barking. The predicted noise levels were estimated to be below the criteria that were used (comparing noise levels to background levels, and comparing to guidance from the World Health Organisation).

The Assessment concludes that the kennels in their current location do not present

any significant noise impact.

The Design and Access Statement includes a section on noise. This states that the noise can be controlled by fully enclosing the main kennel building where exercise will be taken twice a day (for 1.5 hours in the morning and 1.5 hours in the evening). The whelping (type A) kennels face the fence of the main kennel to act as a noise barrier, and the training area is enclosed by a 2m high cedar fence to act as a sound barrier

### Comment

On 21<sup>st</sup> August I visited Beacon Lane kennels with a Planning Officer. There was no noise audible on approaching the property, when we walked into the courtyard some of the dogs in the old farm buildings did bark. We met Mrs Coate and then walked to the whelping kennels and the dogs in there did bark when we were by the kennels. We then went into the gate to the main kennel area and the dogs ran out into the training area and barked loudly; when we left the kennel area the barking eased off. I went down the hill to the lane by Dowland's Farm. Mrs Coates and my colleague stayed at the kennels and went into the kennel areas again to get the dogs to bark. While I was stood by Dowlands the main noise was from the motorway. There was a slight breeze which did cause some noise from the nearby trees. I did hear some dog barking for about 30 seconds, however, it was not loud and I did not try to measure the level as it was close to background levels (and noise from the trees would interfere with any measurements). I walked east along the lane to the houses in Voxmoor. During this time I heard one more, brief bit of noise that could have been dog barking.

The Environment Noise Assessment is an attempt to try and objectively measure and assess the noise from the kennels. As the kennels are already in place it should be possible to measure the noise, and also to give a subjective assessment rather than rely on predictions. However, at the time of the visit the noise was not audible (or measureable) at the nearest properties. As the level of noise from the kennels could vary, as will the background noise levels it is likely that there will be times when the noise from the dog barking will not be audible. When I visited the site (see below) the noise was audible but not very loud. The noise modelling was another way to try and objectively assess the noise. The modelling is acceptable; however, as the report confirms, there are no suitable criteria for assessing noise from dog barking.

The Design and Access Statement does say that the main kennel is enclosed and training area is fenced to provide a sound barrier. When I visited I could see that the main kennel was enclosed, although as it is a wooden structure with windows it will not be particularly soundproof. The fence may provide some screening but noise will get round/over a barrier. The whelping kennels have an enclosed indoor area but are mainly open, I did note that they were adjacent to the footpath that runs east from the main track, although I was told that this path was rarely used and it would be possible to extend the fencing along this boundary.

I note that the previous application for kennels in a field to the south of the farm buildings also had a Design and Access Statement that mentioned noise. Regarding the location of the kennels it says that if the kennelling and training areas were to be near the curtilage of the residential element

- “inevitable and constant disturbance by day to day activities, deliveries, post, customer arrivals/collections would cause an almost constant noise issue for neighbouring residents”
- “the footpath would be very much closer causing increased reaction disturbance”.
- “it will have a severe and detrimental impact on the selling environment to prospective new puppy owners due to the disturbance resulting in over bearing noise level”

It gives this as a reason to locate the kennels in the field to the south rather than by the old farm buildings.

A noise study was also provided with the application in 2011 for the kennels to be sited inside the old farm buildings (rather than in outdoor kennels). This stated that the proposed kennels will be inside, discharging any possibility of distraction barking and that any barking will be largely protected by the envelope of the building. It concludes that for the infrequent walker along the footpath it would be

- “impossible for them to cause disturbance to the dogs housed within the converted barns in a controlled environment” and that
- “any infrequent barking noise will be largely protected within the envelope”.

The problem with assessing noise from dog barking is that it is not consistent in either noise level, time of day, the length of time of frequency that it occurs. The noise is more likely to be audible at nearby premises when the background noise level drops, for example, when the motorway noise decreases at night. However, it is not clear how often or for how long any barking happens at these times. This is shown by the fact that the noise consultant did not hear the noise; I heard some barking that was not very loud and nearby resident have said they are disturbed by noise at different times of day

From a purely acoustic point of view it would make sense to have the kennels and runs constructed as well as possible to contain any noise. This is likely to be more achievable in the old farm buildings than wooden structures on. Whether or not this would lead to the dogs generating more noise due to being disturbed is not something I could comment on, as it's not an acoustic issue. The conflicting statements in the 2011 Noise Study and the 2013 Design and Access Statement and current information do not help to clarify the situation.

I am aware that there have been dog kennels on the site for a couple of years. In July 2012 Taunton Deane Council's Environmental Health section received complaints about noise from dog barking at the kennels. These are being investigated however, there has not been enough evidence to show that the noise is severe or persistent enough to serve a noise abatement notice. If complaints continue to be received they will be investigated further.

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to standing advice.

- Standard visibility splays required;
- On site parking and turning clear of highway.

BLACKDOWN HILLS AONB SERVICE - As you know, the primary purpose of the

AONB designation is to conserve and enhance natural beauty, and national planning guidance advises that great weight should be given to conserving their landscape and scenic beauty. The AONB Partnership supports its local planning authorities in the application of their development management policy framework in this regard. You will also be aware from previous representations that the AONB Partnership believes that any development proposal in an isolated and remote location requires very careful consideration as to necessity and potential impact on the character of the setting, in order to conserve and enhance the natural beauty of the area.

From the outset we were of the view that this is fundamentally an inappropriate location for residential or business development. A situation has been allowed to develop that should never have been accepted in the first place. Nevertheless the barn conversion was permitted on the basis of accommodating a specified, viable dog breeding enterprise within the buildings. This application gives no indication of whether the original permission has been, or will be, implemented. A key factor was that disturbance to dogs would be minimised and noise from barking, etc. controlled by the dogs being inside the converted barn buildings. The application provides no indication as to how many of the 50 breeding dogs that 'have to be catered for' and their puppies will be accommodated in the outdoor sheds.

There is therefore real concern that the sight and sound of this kennel complex is not compatible with quiet enjoyment of the AONB, particularly those visiting Wellington Monument, the nearby Somerset Wildlife Trust reserve, and using the nearby public rights of way. The AONB management plan encourages quiet enjoyment of the AONB, and supports the restriction of developments and activities that detract from the tranquillity of the Blackdown Hills – one of the AONB's special qualities. The kennels, fencing and training area are to the detriment of the barns (supposedly an important heritage asset) and the rural surroundings, altering the character of the area and introducing an intensive commercial activity into a remote rural location.

## **Representations**

6 letters of OBJECTION to original submission raising the following planning related comments:

- The proposals are now closer to local properties; further from any sound barrier which may have helped attenuate some of the noise in the past;
- The kennels are erected closer to public footpaths; walkers day and night will disturb the dogs increasing frequency of noise outbursts;
- There will be a general deterioration in the present unacceptable situation;
- Experience sleep disturbance caused by noise from the kennels and dogs at night; the proposals will make matters worse;
- Barking at night requires us to keep windows closed when would prefer them to be open;
- Applicant has not complied with previous permission;
- Attempting to operate the business in the external area will cause dog noise pollution to a sensitive area;
- Are the dogs secure? Dogs have been seen in our garden;

1 letter received following re-consultation in receipt of Noise Survey, raising the following comments:

- Assessment commissioned by site owners - can it be seen to be independent?
- Can noise levels measured on a single day, given the enormous variation in conditions that effect the site, be of significant value?
- Would the involvement of the applicant making the dogs bark and being involved with assessment be reasonably accepted?
- Were the number of dogs counted on the day and if so by whom?
- Unscientific statement of small dogs having small bark. Who defines small dog? Does small bark mean quiet bark relative to a large dogs barks? The barking is collective; how many dogs barked at one?
- Dog barking appears to be greater at night or early hours of the morning, presumerably because ambient noise levels are much lower. Therefore noise to neighbours is perceived to be greater at night. Was this covered by the assessment?
- Would a neighbour suffering stress and ill health due to the impact have recourse under Section 3 (1) of the Health and Safety at Work Act 1974?

## **PLANNING POLICIES**

EN21 - TDBCLP - Nationally Important Arc Remains (HISTORIC),  
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,  
ROW - Rights of Way,  
EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importce,  
EN12 - TDBCLP - Landscape Character Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

Permission was originally granted for a dog breeding enterprise within converted buildings at Beacon Lane Farm as part of a permission for a live-work unit. The original conversion works for the business element have still not taken place, but since moving the dogs to the site, the number of dogs has increased. The occupiers of the site have stated that due to an increase in the number of breeding bitches being kept at the business premises it has become necessary to find additional accommodation to house the dogs until the dog breeding element is fully functional.

The main issues to consider are the effect of the proposed development on the character and appearance of the area, given the sites location in the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and the perceived impact upon nearby residential amenity, having specific regard to potential noise and disturbance.

### Impact upon Blackdown Hills AONB

Para 115 of the national Planning Policy Framework (NPPF) states that "great weight should be given to conserving landscape and scenic beauty...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to

landscape and scenic beauty." Such an approach is also taken within Core Strategy Policies DM1, DM2 and CP8 which aim to protect the appearance and character of landscapes from harmful development and to protect, conserve or enhance the interests of landscape character and natural assets.

The previous enforcement notice, which related to the erection of these structures and breeding of dogs on land to the South has now been complied with. However, in complying with the Enforcement Notice and in order to avoid impending prosecution, the structures and dogs were relocated to the North of buildings at Beacon Lane Farm, again without first seeking planning permission. The Blackdown Hills AONB Service have again objected to the development virtue of its adverse impact upon the peace and tranquillity currently enjoyed within the area.

The structures are now located within close proximity to one another and are largely enclosed by timber fencing. In this location the buildings are no less visible within the wider landscape, however at present they can be more readily seen from the public footpath to the West, as boundary walls to the live-work unit have yet to be constructed. Visually however, the structures and fencing relate better to the existing buildings at Beacon Lane Farm, and they no longer form a stand alone development within the Blackdown Hills AONB. The Council's Landscape Officer has not objected to the proposals and is satisfied that additional landscaping can and should be secured by condition. Whilst the building will be visible from the public footpath, it is obscured by hedgerow and tree planting to the North and by stone walls and timber gates to the West. The relationship with existing buildings is appropriate and as a consequence of these matters the proposals will not adversely impact upon the scenic beauty of the AONB.

Notwithstanding the visual impact of the proposed development, concerns have previously led to the refusal of planning permission virtue of noise and disturbance from the use of the buildings for kennelling and the impact of this noise upon the peace and tranquillity enjoyed within the AONB. At the previous site, the Planning Inspector found the open nature of the kennelling and the potential for disturbance and noise within the AONB to be detrimental to the setting, peace and tranquillity of the AONB. Such would adversely affect the enjoyment of the area by the public.

A noise assessment and report has been compiled on behalf of the applicant, however this is most useful for informing the impact of the use upon residential amenity. The impact of noise and barking upon the peace and tranquillity of the AONB is a more subjective one. The buildings have been relocated to be sited immediately north of the principle farm buildings and residential accommodation that forms the original live-work unit, restricted to be used as a dog breeding premises.

The kennels are now generally well enclosed by 2.0m timber board fencing to the North and stone walling and access gates to the West. The boundary treatments, together with the orientation of the dog kennels in relation to publicly accessible land, will reduce the likelihood of the dogs being disturbed and thus the occurrence of barking. The site has been visited more than six times since the receipt of this application; on these visits the site has been accessed on foot along the length of Beacon Lane from the public highway and direct access into the site by motor vehicle. The footpaths that runs over land to the North and West have also been walked on numerous occasions. The primary aim of varying movement was to assess whether human activity within close proximity of the kennel buildings can be

detected by the dogs within their enclosures, and if so, whether detection results in significant level of barking from the dogs as a pack.

The results of the above assessment have indicated that only a small number of dogs bark upon entering the site in a motor vehicle; driving up to the site and parking outside did not result in barking nor did walking of the footpaths or entering the site on foot. Very little barking was experienced; the breeding bitches within the smaller 6 kennels did not bark upon approach, presumably as they were either in gestation or with pup. There is no doubt that accessing the larger kennel building and training area does result in barking and this was experienced first hand when the site was visited with the Environmental Health Officer to assess the noise issue in person.

There is no doubt that the level of barking in the new location is significantly lower in level than that experienced when the kennels and dogs were kept in the open on the land to the South of the farm. It is considered that the kennelling is more manageable in this location and its level of enclosure and layout provides significantly less potential for dog barking to be triggered in a pack like behaviour. Additional fencing will be required to the East in order to prevent access from the adjoining field by animals and the public who may wander off the public footpath, however such can be secured by condition. On the basis of on-site observations, the proposed development is no longer considered to result in an unacceptable impact upon the peace, tranquillity and general enjoyment of the Blackdown Hills AONB.

#### Impact upon amenity of local residents

It is well documented within previous planning application and enforcement reports for this site that local residents object to the breeding of dogs and their kennelling due to the level of noise produced and the subsequent impact of the noise upon local amenity. As with previous submissions, the representations received make it clear that the barking of dogs can be heard at nearby residential properties. Having been to site on a number of occasions and at varying times of the day, noise has been observed in the area from nearby properties. During the day it is clear that the degree of background noise from the nearby motorway and in general from the movement of air and fauna within the area which itself generates noise, the occasional barking of dogs from the site is barely detectable from nearby properties in the area. This conclusion was also reached when the site was visited with the Environmental Health Officer; at that time the Officer observed noise from the highway and Downlands Farm to the North; the dogs were triggered to bark deliberately by the applicant and Case Officer. The Environmental Health Officer has confirmed that the barking could be heard for 30 seconds but was not loud and that otherwise only one bark was heard.

My concern previously was that dogs will be disturbed day and night by human and wildlife interaction and that this would potentially result in an unacceptable level of noise and nuisance to residents within the area. The applicant has commissioned a Noise Assessment and report upon request of the Council. Physical monitoring of noise was undertaken for a limited time on one day. Whilst this is a very narrow window of assessment across the year, the findings were consistent with my general day time experience on the site and its surroundings being that the disturbance from any barking at a distance that local properties are found is low and certainly not loud during the day time.

From discussions with Environmental health it is my understanding that complaints over the dog barking have ceased and no report has been received by the Council since the kennels and compounds were moved to their new position. It has to be accepted that dogs will bark, possibly at night, at that the level of noise produced will be louder at nearby residences than the 30dB level that registered when the acoustic survey of the area was undertaken.

In light of the Noise Assessment and its findings, which generally support the Officer findings from visits to the site and area, it can be concluded the new location, siting and means of enclosure have led to an improvement in the noise produced from the keeping of dogs at the level that is now ongoing. The impact upon neighbours would be further reduced by properly enclosing the yard area to the East with additional fencing and this can be secured by a condition. Whilst there may be dog barking on occasions at night it is unlikely to be at a level or frequency that was likely to occur at the previously unattended and unenclosed site that could be more readily disturbed by passers by and wild fauna. In addition to this, it would be reasonable to require the sections of Unit type A enclosed by wire mesh to be fully enclosed at night to provide further noise buffering; the enclosures could be opened during the day in order to allow ventilation. In addition ensuring that all dogs are locked away internally within the units at night will provide further assurances against dogs barking within the more open aspects of the compound training areas. These matters can be secured by condition.

### Conclusions

It is considered that the new location, means of enclosure and layout/orientation of the units is suitable and provides better shelter for the dogs thereby minimising any potential sources of disturbance that might trigger them to bark as a pack. Such will significantly reduce the adverse impact of the use upon the Blackdown Hills AONB, its scenic beauty, peace and tranquillity. These matters are also considered to have reduced the noise impact of the proposals upon local residential properties and their occupants to an acceptable degree. At its current intensity, the impact of the business is considered to be acceptable and a condition is recommended to prevent an increase in the number of dogs kept at the site.

Given that the business in this location is still in its infancy and that further mitigation works are required that seek to further mitigate any impacts, it is considered that permission should only be granted for a temporary period in the first instance. Such would allow the Local Planning Authority to continue to monitor the situation and ensure that the proposed mitigation measures are adequate. Also, when the buildings have been fully converted and are capable of use by the dogs, there should be a need for fewer external, free standing structures.

Other than the temporary time limit, it is recommended that conditions be attached to the approval requiring further landscape planting; additional fencing; the enclosure of Unit type A to cover the metal mesh and to retain all dogs within buildings at times of darkness. With these conditions in mind it is recommended that temporary planning permission be granted.



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

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

ABBEY MANOR DEVELOPMENTS LTD

**ERECTION OF 19 AFFORDABLE APARTMENTS IN A FOUR STOREY BLOCK ON LAND KNOW AS AREA F, FIREPOOL LOCK, TAUNTON**

Location: AREA F, FIREPOOL LOCK, TAUNTON

Grid Reference: 323441.125411

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the applicants entering into a Section 106 Legal Agreement to secure the following:

- 25% Affordable Housing to be provided on-site
- A contribution towards the provision of off-site children's play or on-site provision with long term maintenance and management agreements.

**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 2960\_PL\_01 Location Plan  
(A1) DrNo 2960\_L\_010 Rev F Proposed Site Plan  
(A1) DrNo 2960\_L\_050 Rev E Unit 6-24 Ground Floor Plan  
(A1) DrNo 2960\_L\_052 Rev D Unit 6-24 First Floor Plan  
(A1) DrNo 2960\_L\_053 Rev D Unit 6-24 Second Floor Plan  
(A1) DrNo 2960\_L\_054 Rev D Unit 6-24 Third Floor Plan  
(A1) DrNo 2960\_L\_056 Rev C Unit 6-24 Roof Plan  
(A1) DrNo 2960\_L\_110 Unit 6-24 Elevations

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

3. Before the proposal hereby permitted is occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety

4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the proposal is first occupied and thereafter maintained at all times.

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety

6. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To reduce reliance on the private motor car.

7. No development, excluding site works, shall begin until a panel of the proposed materials measuring at least 1m x 1m has been built on the site agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

9. (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.

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

a) Site Characterisation

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

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,

- archaeological sites and ancient monuments;

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

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

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

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

f) Long Term Monitoring and Maintenance

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

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

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

11. Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed strategic road will not be detrimental to the amenity of the occupants of the premises on the completed development.

The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied.

Reason. To ensure the amenity of residential premises is not adversely affected by noise from traffic and rail sources.

#### Notes to Applicant

- . 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**

This is a full application for the erection of 19 flats in a four storey building on the Firepool Lock site – also known as East Goods Yard. There is an associated application for the erection of 5 dwellings on the site in a two storey terrace which would result in an overall development of 24 residential units. The combined development proposes 27 car parking spaces, 5 motorcycle parking spaces and 38 cycle storage spaces.

The design of the development has taken a lead from the adjoining buildings of both Waterside House and the Crest development. The terrace of 5 dwellings are 2 storey with a traditional steep pitched roof and the 4 storey block is a v-shaped building that has a central core with the apartments on the outside edge. The development would combine the use of render and timber cladding with grey coloured windows.

It is proposed that all of the units would be affordable dwellings and developed by Knightstone.

## **SITE DESCRIPTION AND HISTORY**

Area F is on the eastern side of Firepool Lock between the Knightstone development of Waterside House and Winkworth Way. Planning permission has previously been granted to raise the level of the land to the same height as the rest of the development site on Firepool Lock and the railway line. Part of that ground raising has taken place as part of the adjoining development.

The site is higher than Winkworth Way which passes underneath the railway and faces onto a new pedestrian and cycle route that links to the adjoining development site.

### Relevant Planning History

An outline application was submitted in 1999 to redevelop the former East Goods Yard for a mix of uses including residential, B1 employment, conversion of pumphouse, access road and new canalside walkway. Permission was granted in August 2004 (ref 38/99/0394).

In 2009 a reserved matters application was submitted by Knightstone Housing Association for 108 apartments that was compliant with the approved masterplan and has been completed. This provided the affordable housing element of the outline planning permission. (ref 38/09/0190)

In 2012, reserved matters consent was granted for the erection of 240 house and apartments on the larger site and these are currently under construction. (refs 38/11/0595 and 38/11/059)

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP –*

### Traffic Movement and Impact

A Transport Statement has been submitted with the planning application, which has set out the impact of the proposal on the surrounding highway network. From the details provided the applicant has indicated that the proposal would result in one

additional vehicle every five minutes in the AM peak and one additional vehicle in the PM peak. Based on these details it is unlikely that this proposal would result in a significant increase in vehicle movements.

In regards to site accessibility, this is considered to be in sustainable location, with access to pedestrian and cycling routes and the railway station. Bus stops are slightly further away than is ideal however this is likely to improve in the long time. Relatively frequent bus services do run from these stops providing links to Bridgwater, Minehead and Wellington.

In terms of the level of parking provision the Transport Statement has proposed 27 parking spaces for the site. Having referred to Somerset County Council's Parking Strategy the Highway Authority is satisfied that a suitable level of parking has been proposed for the application site.

Regarding other forms of parking the applicant has made provision of cycle storage for each of the residential units. As for remaining units the applicant has proposed 32 cycle parking spaces these will be split between a secure covered storage area for the apartments and a further six in a secure location within the main building. Provision has been made for motorcycle parking within the site.

To conclude the Highway Authority is satisfied that the proposal will not have a significant impact on the surrounding highway network. Whilst in terms of parking the applicant has provided a sufficient level of parking that is in keeping with Somerset County Council's parking standards.

### Travel Plan

The applicant makes reference to previous application 38/13/0035, which was dealt with by the Local Planning Authority in 2013 this was accompanied by a Travel Plan Statement. However from reviewing this submission it appears that no Travel Plan document has been submitted. Therefore the applicant is required to submit a Measures Only Travel Statement, guidance on what this document needs to include can be found on Somerset County Council's web site.

### Layout

Having reviewed the details show on the submitted drawings the Highway Authority is of the opinion that the internal layout will remain privately managed. In terms of drainage the site the applicant has proposed to connect to the existing drainage system. This is considered to be acceptable although the applicant should note that permission should be sort from the body that maintains the drainage system before a connection is made.

### Conclusion and Recommendation

Taking into account the above information the Highway Authority is satisfied that this proposal will not have a detrimental traffic impact on the surrounding highway network. Furthermore the level of parking provision is considered to be acceptable, whilst the internal layout and proposed drainage is considered to be acceptable.

The only outstanding issue relates to the submission of a Measures Only Travel



Statement as the applicant has not provided any details at this stage.

*WESSEX WATER –*

#### Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

#### Protection of Existing Assets

A public water main/public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing water mains/public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter. Building over existing water mains/public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

#### Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

#### Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

*DRAINAGE ENGINEER – no comments*

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST –*

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds

*ENVIRONMENT AGENCY – no comments received*

## *POLICE ARCHITECTURAL LIAISON OFFICER –*

Orientation of Dwellings – dwellings are still positioned to face one another, which is recommended, and the block of flats should provide enhanced surveillance opportunities.

Communal Area – the communal area has been relocated from the centre of the development, where there were good surveillance opportunities, to a position to the west of the row of houses where there is more limited surveillance (although I presume it is overlooked from Waterside House). Any ASB occurring in this area could adversely affect the occupants of Unit 1 so, in addition to the footpath, there should be an appropriate buffer between the 'Grassed Area' and the gable end of Unit 1.

Dwelling Boundaries – a closeboard fence to a height of 2 metres is proposed to surround the site boundary and rear access footpaths appear to be gated at the entrances, both of which are recommended.

Car Parking – a large proportion of the parking spaces appear to be some distance away from the dwellings they serve with limited natural surveillance from owners' homes (although again I assume there will be surveillance from Riverside House). The layout of the car park is such that the majority of vehicle owners will want to park in the spaces to the front of the row of houses, where their vehicles are in sight, possibly resulting in parking disputes etc. I suspect that a number of the proposed parking spaces to the west of the development may not be used for their intended purpose.

Cycle Storage – the cycle store has been relocated and an integral cycle store serving the block of flats is now proposed, which is recommended. Cycle storage for the houses will presumably be in the garden sheds which is also appropriate. A more substantial Bin/Recycling Store is also proposed in an area which is well overlooked.

Access Control in Block of Flats – doors in communal entrances should incorporate an access control system comprising an electronic lock release and visitor door entry system providing audio/visual communication linked to each dwelling.

Doors/Windows – all external ground floor and easily accessible doors and windows and all flat entrance doors should comply with PAS 24:2012 to offer minimum standards of security.

Secured by Design(SBD) – additional comprehensive information is available on the SBD website – [www.securedbydesign.com](http://www.securedbydesign.com)

## *HOUSING ENABLING –*

The housing enabling lead supports this application as it will provide much needed town centre affordable housing.

The application, considered jointly with planning application 38/14/0076 will provide a total of 24 affordable homes. The scheme is receiving Government funding and therefore can not be considered as part of a planning obligation elsewhere. In the

event a 100% affordable housing scheme does not progress, the affordable housing planning obligation will be 25% in line with Council policy.

The tenure for this scheme to meet the Government funding requirements is Affordable Rent.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or such Standards which may supercede at the date of approval of the full application / reserved matters application.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list. It is understood the Government Funding has been secured through one of Taunton Deane's main partners – Knightstone Housing Association.

#### *LEISURE DEVELOPMENT –*

In accordance with Local Plan policy C4, provision for play and active recreation should be made for the residents of these dwellings.

A contribution of £2,994.00 per each 2 bed+ dwelling should be made towards the provision of children's play. The contribution to be spent on additional facilities for the benefit of the new residents within the vicinity of the development.

#### *THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS) –*

No comments to make

#### *ENVIRONMENTAL HEALTH - NOISE & POLLUTION –*

##### Noise

The site is close to the railway line, therefore, the developer should ensure that the properties are designed and built so that there is an acceptable noise level in any of the properties.

A report has been submitted with the application - Noise and Vibration Report, January 2013, Hydrock.

The report includes details of a noise survey that was carried out in 2007 for a development adjacent to this site although a similar distance from the railway. It compares measured levels to those give in Planning Policy Guidance 24 (which has been withdrawn, but the criteria in it can still be used for reference). It concludes that the development area lies within Noise Exposure Category B, where noise should be taken into account when considering applications and conditions imposed to ensure an adequate level of protection. (It would be useful for the report to clarify how the data measured at a nearby site was used to determine the predicted noise levels on the application site).

The report makes recommendations for glazing and ventilation so that internal noise levels will meet the levels given in World Health Organisation guidance.

The report suggests that thermal double glazing will provide sufficient noise attenuation and that acoustic ventilation will also be required to allow occupants to have background ventilation without having to open windows.

However, the level of noise attenuation provided by standard double glazing does vary. The developer should provide a more detailed specification for the glazing and acoustic ventilation and then confirm that what will be used on site meets this requirement. I would recommend that a condition is used to ensure that this is carried out (example attached, the report that has been submitted could be used to satisfy part of the condition)

### Contaminated Land

I am not aware of the history of the application site, however, the area around this site has been used for various commercial uses over the years and so there is the potential that this piece of land could have had a similar use. There were also some buildings/sheds on the site which could have contained asbestos cement sheeting. Therefore, I would recommend a condition to require an investigation and risk

Area F, Firepool 38/13/0035. MA 32648 28/2/13 assessment (copy attached). I am aware that a number of site investigations have been carried out for the adjacent development and it would be acceptable for some of the desk study information from these reports to be used for this application.

*NETWORK RAIL* – no comments received

### LANDSACPE LEAD

Just to confirm that regarding the above application my main area of concern is the eastern boundary frontage along the edge of Winkworth Way. Depending on the embankment profile there should be scope for scrub planting, such as Hazel, with a fence at the top of the bank and tree planting at 10m centres. There is scope within the rest of the site for some large tree planting along the cycle way and mini green. Landscape details required.

### **Representations**

As both this application and application 38/14/0076 relate to one larger development, the representations on each application are being reported together.

A combined total of 15 letters of OBJECTION have been received which raise the following issues:

- Concerns about parking problems when new bridge is complete and further congestion
- Already parking problems in the areas
- There is no outdoor play space in the areas – which is home to many children

- The site would be better used as a playspace
- The site would be better used as a carpark
- Parking problems will occur in Obridge Road
- There is too much development already in the area
- More flats would result in more antisocial behaviour
- Loss of privacy to Waterside House
- Affordable housing is segregated from the rest of the development
- Loss of light to upper floors of Waterside House
- The site has previously flooded and the ground raising that has taken place will direct the floodwater elsewhere.
- No road access should be allowed from Winkworth Way

## **PLANNING POLICIES**

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP7 - TD CORE STRATEGY - INFRASTRUCTURE,  
 CP8 - CP 8 ENVIRONMENT,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM4 - TD CORE STRATEGY - DESIGN,  
 FP3 - TTCAAP - Firepool Lock,  
 TR2 - TTCAAP - Parking in New Development,  
 TR3 - TTCAAP - Smarter Choices,  
 ED1 - TTCAAP - Design,  
 ED4 - TTCAAP - Density,  
 IM1 - TTCAAP - Priorities for Developer Funding,  
 IM2 - TTCAAP - Approach to Viability,  
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for the total amount of floorspace is approximately £119,560. However, relief is available on affordable housing and if all of the units are provided as affordable, the CIL receipt would be £0

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)      £32,618

Somerset County Council (Upper Tier Authority) £8,154

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £195,706

Somerset County Council (Upper Tier Authority) £48,926

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Principle

This is a brownfield site in the centre of Taunton that has been allocated for residential development. As a central site, it has been planned for higher densities of development with a greater proportion of apartments. Residential development is acceptable in principle in accordance with the provisions of the Core Strategy and the Taunton Town Centre Area Action Plan.

### Affordable Housing

The Core Strategy set out a delivery of 17,000 homes over the period 2008 – 2028 with the Taunton Urban Area acting as the primary focus. The plan seeks to deliver around 4,000 new affordable housing units and therefore a target of 25% of all new housing should be in the form of affordable units. It is proposed that Knightstone will deliver all 24 units as affordable housing. The Housing Development and Enabling Manager has commented on both applications and states that the scheme is receiving Government funding and therefore cannot be considered as part of a planning obligation elsewhere. In the event a 100% affordable housing scheme does not progress, the affordable housing planning obligation will be 25% in line with Council policy.

It is therefore considered necessary to provide a minimum of 25% affordable housing which will be secured by a section 106 Legal Agreement.

### Parking

It is proposed to provide 27 parking spaces for the 24 dwellings which is the optimum standard set out in the Somerset Parking Strategy produced by the County Council. In addition, there will be cycle parking within the development and spaces for 5 motorcycles. Objections have been raised by existing local residents that there is not enough parking to serve the existing developments, however, this proposal needs to provide for its own needs and does so by providing more than 1 space per dwelling. It is compliant with Policy Tr2 of the Taunton Town Centre Area Action Plan which sets out maximum parking standards of 1 parking space per apartment. All of the spaces are located within the development site and will be accessed off the NIDR and Abbey Close. There will be no vehicle access from Winkworth Way.

The proposed development includes the optimum amount of parking required and is therefore considered to be acceptable.

### Design

The design of the development follows that on the adjoining site with similar forms and materials. It is a contemporary approach using render and timber cladding, with steeply pitched roofs on the terrace of houses. The roof of the apartment block would have a single ply roof that would match the adjoining development. It is considered that the design is appropriate and would respect the new character of the surrounding area.

The bank that slopes down to Winkworth Way needs to be landscaped with scrub planting and details of a landscaping scheme can be secured by planning condition. It would also be necessary to secure details of the boundary treatments as part of that scheme.

### Residential Amenity

The front of the proposed terrace of houses will be approximately 24 metres from Waterside House and the car parking area will be in the area in-between. There will be no adverse harm from overlooking at this distance and the 2 storey dwellings are located in such a way that the main outlook is down Abbey Close. It is therefore considered that the residential amenity of existing residents in waterside House and future residents of the houses will be at an acceptable level.

The block of 19 apartments will be approximately 12-14 metres from the approved 3 storey apartment block on the adjoining Crest development. Between the two blocks is the existing pedestrian and cycle way that follows the line of the main sewer pipe that crosses the canal. It is considered that as both of these blocks face onto the public realm and pedestrian/cycle route, that this distance is sufficient and comparable to other streets within the larger development. There will be planting between the two blocks on either side of the pedestrian/cycle route which will provide the necessary low level screening from users of the path.

### Flood risk and Drainage.

The site already benefits from planning permission to raise the land as part of a larger consent for the re-grading of the entire East Goods Yard site. This will take any new development well above potential flood levels and to the same height as the surrounding properties. Surface water drainage from the site will be directed to the existing SUDs attenuation pond on the land to the east. This pond was constructed to attenuate the surface water from the new road and parts of the larger East Goods Yard site.

### Noise

The site adjoins the railway line, but the designs have been amended so that the built development is further away and at a similar distance as the other residential development in the area. The Environmental Health officer as recommended a condition to ensure that adequate noise attenuation features are but into the development so as to avoid harmful disturbance from trains on the main line.

### Play

A small amenity space has been built into the layout of the development which would be between the houses and railway line. The submitted details do not show

this to be an equipped area for play. The Leisure Development Officer has suggested that a contribution of £2,994.00 per 2-bed dwelling should be made towards the provision of children's play which would be spent on additional facilities for the benefit of the new residents of the development. It is considered that it is appropriate for family housing to provide for children's play and this could be either secured by contribution for off-site provision or by onsite provision that is subsequently managed and maintained.

### Conclusion

The site is located in an area allocated for residential development consisting of apartments and houses. Although it is proposed that it will be 100% affordable housing, it is necessary to secure a minimum of 25% affordable housing in accordance with the Core Strategy. The design and layout of the development is acceptable and optimum levels of car parking are to be provided. Planning conditions can be used to secure additional information and detail where required and therefore it is recommended that planning permission is granted for both applications.

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

**CONTACT OFFICER: Mr B Kitching Tel: 01823 358695**



38/14/0076

MI-SPACE (UK) LTD

**ERECTION OF 5 No AFFORDABLE HOUSING DWELLINGS ON LAND KNOWN AS AREA F, FIREPOOL LOCK, TAUNTON**

Location: AREA F, FIREPOOL LOCK, TAUNTON, SOMERSET, TA1

Grid Reference: 323440.125421

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the applicants entering into a Section 106 Legal Agreement to secure the following:

- 25% Affordable Housing to be provided on-site
- A contribution towards the provision of off-site children's play or on-site provision with long term maintenance and management agreements.

**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 2960\_PL\_02 Rev A Location Plan  
(A1) DrNo 2960\_L\_011 Proposed Layout Plan  
(A1) DrNo 2960\_L\_051 Unit 1-5 Ground & First Floor Plan  
(A1) DrNo 2960\_L\_111 Unit 1-5 Elevations

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

3. Before the proposal hereby permitted is occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety

4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the proposal is first occupied and thereafter maintained at all times.

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety

6. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To reduce reliance on the private motor car.

7. No development, excluding site works, shall begin until a panel of the proposed materials measuring at least 1m x 1m has been built on the site agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

9. (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.

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

a) Site Characterisation

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

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

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

CLR 11” and other authoritative guidance.

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

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

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

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved

remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

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

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

11. Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed strategic road will not be detrimental to the amenity of the occupants of the premises on the completed development.

The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied.

Reason. To ensure the amenity of residential premises is not adversely affected by noise from traffic and rail sources.

#### 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**

This is a full application for the erection of 5 dwellings on the site in a two storey terrace on the Firepool Lock site – also known as East Goods Yard. There is an associated application for the erection 19 flats in a four storey building of which would result in an overall development of 24 residential units. The combined development proposes 27 car parking spaces, 5 motorcycle parking spaces and 38 cycle storage spaces.

The design of the development has taken a lead from the adjoining buildings of both Waterside House and the Crest development. The terrace of 5 dwellings are 2 storey with a traditional steep pitched roof and the 4 storey block is a v-shaped

building that has a central core with the apartments on the outside edge. The development would combine the use of render and timber cladding with grey coloured windows.

It is proposed that all of the units would be affordable dwellings and developed by Knightstone.

## **SITE DESCRIPTION AND HISTORY**

Area F is on the eastern side of Firepool Lock between the Knightstone development of Waterside House and Winkworth Way. Planning permission has previously been granted to raise the level of the land to the same height as the rest of the development site on Firepool Lock and the railway line. Part of that ground raising has taken place as part of the adjoining development.

The site is higher than Winkworth Way which passes underneath the railway and faces onto a new pedestrian and cycle route that links to the adjoining development site.

### Relevant Planning History

An outline application was submitted in 1999 to redevelop the former East Goods Yard for a mix of uses including residential, B1 employment, conversion of pumphouse, access road and new canalside walkway. Permission was granted in August 2004 (ref 38/99/0394).

In 2009 a reserved matters application was submitted by Knightstone Housing Association for 108 apartments that was compliant with the approved masterplan and has been completed. This provided the affordable housing element of the outline planning permission. (ref 38/09/0190)

In 2012, reserved matters consent was granted for the erection of 240 house and apartments on the larger site and these are currently under construction. (refs 38/11/0595 and 38/11/059)

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP –*

### Traffic Movement and Impact

A Transport Statement has been submitted with the planning application, which has set out the impact of the proposal on the surrounding highway network. From the details provided the applicant has indicated that the proposal would result in one additional vehicle every five minutes in the AM peak and one additional vehicle in the PM peak. Based on these details it is unlikely that this proposal would result in a significant increase in vehicle movements.

In regards to site accessibility, this is considered to be in sustainable location, with access to pedestrian and cycling routes and the railway station. Bus stops are slightly further away than is ideal however this is likely to improve in the long time. Relatively frequent bus services do run from these stops providing links to Bridgwater, Minehead and Wellington.

In terms of the level of parking provision the Transport Statement has proposed 27 parking spaces for the site. Having referred to Somerset County Council's Parking Strategy the Highway Authority is satisfied that a suitable level of parking has been proposed for the application site.

Regarding other forms of parking the applicant has made provision of cycle storage for each of the residential units. As for remaining units the applicant has proposed 32 cycle parking spaces these will be split between a secure covered storage area for the apartments and a further six in a secure location within the main building. Provision has been made for motorcycle parking within the site.

To conclude the Highway Authority is satisfied that the proposal will not have a significant impact on the surrounding highway network. Whilst in terms of parking the applicant has provided a sufficient level of parking that is in keeping with Somerset County Council's parking standards.

### Travel Plan

The applicant makes reference to previous application 38/13/0035, which was dealt with by the Local Planning Authority in 2013 this was accompanied by a Travel Plan Statement. However from reviewing this submission it appears that no Travel Plan document has been submitted. Therefore the applicant is required to submit a Measures Only Travel Statement, guidance on what this document needs to include can be found on Somerset County Council's web site.

### Layout

Having reviewed the details show on the submitted drawings the Highway Authority is of the opinion that the internal layout will remain privately managed. In terms of drainage the site the applicant has proposed to connect to the existing drainage system. This is considered to be acceptable although the applicant should note that permission should be sort from the body that maintains the drainage system before a connection is made.

### Conclusion and Recommendation

Taking into account the above information the Highway Authority is satisfied that this proposal will not have a detrimental traffic impact on the surrounding highway network. Furthermore the level of parking provision is considered to be acceptable, whilst the internal layout and proposed drainage is considered to be acceptable.

The only outstanding issue relates to the submission of a Measures Only Travel Statement as the applicant has not provided any details at this stage.

## Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web pages at our website

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

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

## Protection of Existing Assets .

A public water main/public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing water mains/public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over existing water mains/public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

## Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

## Separate Sewer Systems .

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

*DRAINAGE ENGINEER* – no comments

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* –

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds

*ENVIRONMENT AGENCY* – no comments received

*POLICE ARCHITECTURAL LIAISON OFFICER* –

Orientation of Dwellings – dwellings are still positioned to face one another, which is recommended, and the block of flats should provide enhanced surveillance



opportunities.

Communal Area – the communal area has been relocated from the centre of the development, where there were good surveillance opportunities, to a position to the west of the row of houses where there is more limited surveillance (although I presume it is overlooked from Waterside House). Any ASB occurring in this area could adversely affect the occupants of Unit 1 so, in addition to the footpath, there should be an appropriate buffer between the ‘Grassed Area’ and the gable end of Unit 1.

Dwelling Boundaries – a closeboard fence to a height of 2 metres is proposed to surround the site boundary and rear access footpaths appear to be gated at the entrances, both of which are recommended.

Car Parking – a large proportion of the parking spaces appear to be some distance away from the dwellings they serve with limited natural surveillance from owners’ homes (although again I assume there will be surveillance from Riverside House). The layout of the car park is such that the majority of vehicle owners will want to park in the spaces to the front of the row of houses, where their vehicles are in sight, possibly resulting in parking disputes etc. I suspect that a number of the proposed parking spaces to the west of the development may not be used for their intended purpose.

Cycle Storage – the cycle store has been relocated and an integral cycle store serving the block of flats is now proposed, which is recommended. Cycle storage for the houses will presumably be in the garden sheds which is also appropriate. A more substantial Bin/Recycling Store is also proposed in an area which is well overlooked.

Access Control in Block of Flats – doors in communal entrances should incorporate an access control system comprising an electronic lock release and visitor door entry system providing audio/visual communication linked to each dwelling.

Doors/Windows – all external ground floor and easily accessible doors and windows and all flat entrance doors should comply with PAS 24:2012 to offer minimum standards of security.

Secured by Design(SBD) – additional comprehensive information is available on the SBD website – [www.securedbydesign.com](http://www.securedbydesign.com)

### *HOUSING ENABLING –*

The housing enabling lead supports this application as it will provide much needed town centre affordable housing.

The application, considered jointly with planning application 38/13/0035 will provide a total of 24 affordable homes. The scheme is receiving Government funding and therefore can not be considered as part of a planning obligation elsewhere. In the event a 100% affordable housing scheme does not progress, the affordable housing planning obligation will be 25% in line with Council policy.

The tenure for this scheme to meet the Government funding requirements is

## Affordable Rent.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or such Standards which may supercede at the date of approval of the full application / reserved matters application.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list. It is understood the Government Funding has been secured through one of Taunton Deane's main partners – Knightstone Housing Association.

## *LEISURE DEVELOPMENT –*

In accordance with Local Plan policy C4, provision for play and active recreation should be made for the residents of these dwellings.

A contribution of £2,994.00 per each 2 bed+ dwelling should be made towards the provision of children's play. The contribution to be spent on additional facilities for the benefit of the new residents within the vicinity of the development.

## *THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS) –*

No comments to make

## *ENVIRONMENTAL HEALTH - NOISE & POLLUTION –*

### Noise

The site is close to the railway line, therefore, the developer should ensure that the properties are designed and built so that there is an acceptable noise level in any of the properties.

A report has been submitted with the application - Noise and Vibration Report, January 2013, Hydrock.

The report includes details of a noise survey that was carried out in 2007 for a development adjacent to this site although a similar distance from the railway. It compares measured levels to those give in Planning Policy Guidance 24 (which has been withdrawn, but the criteria in it can still be used for reference). It concludes that the development area lies within Noise Exposure Category B, where noise should be taken into account when considering applications and conditions imposed to ensure an adequate level of protection. (It would be useful for the report to clarify how the data measured at a nearby site was used to determine the predicted noise levels on the application site).

The report makes recommendations for glazing and ventilation so that internal noise levels will meet the levels given in World Health Organisation guidance.

The report suggests that thermal double glazing will provide sufficient noise

attenuation and that acoustic ventilation will also be required to allow occupants to have background ventilation without having to open windows.

However, the level of noise attenuation provided by standard double glazing does vary. The developer should provide a more detailed specification for the glazing and acoustic ventilation and then confirm that what will be used on site meets this requirement. I would recommend that a condition is used to ensure that this is carried out (example attached, the report that has been submitted could be used to satisfy part of the condition)

### Contaminated Land

I am not aware of the history of the application site, however, the area around this site has been used for various commercial uses over the years and so there is the potential that this piece of land could have had a similar use. There were also some buildings/sheds on the site which could have contained asbestos cement sheeting. Therefore, I would recommend a condition to require an investigation and risk

Area F, Firepool 38/13/0035. MA 32648 28/2/13 assessment (copy attached). I am aware that a number of site investigations have been carried out for the adjacent development and it would be acceptable for some of the desk study information from these reports to be used for this application.

*NETWORK RAIL* – no comments received

### LANDSACPE LEAD

Just to confirm that regarding the above application my main area of concern is the eastern boundary frontage along the edge of Winkworth Way. Depending on the embankment profile there should be scope for scrub planting, such as Hazel, with a fence at the top of the bank and tree planting at 10m centres. There is scope within the rest of the site for some large tree planting along the cycle way and mini green. Landscape details required.

### **Representations**

As both this application and application 38/14/0076 relate to one larger development, the representations on each application are being reported together.

A combined total of 15 letters of OBJECTION have been received which raise the following issues:

- Concerns about parking problems when new bridge is complete and further congestion
- Already parking problems in the areas
- There is no outdoor play space in the areas – which is home to many children
- The site would be better used as a playspace
- The site would be better used as a Carpark
- Parking problems will occur in Obridge Road
- There is too much development already in the area

- More flats would result in more antisocial behaviour
- Loss of privacy to Waterside House
- Affordable housing is segregated from the rest of the development
- Loss of light to upper floors of Waterside House
- The site has previously flooded and the ground raising that has taken place will direct the floodwater elsewhere.
- No road access should be allowed from Winkworth Way

## **PLANNING POLICIES**

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP7 - TD CORE STRATEGY - INFRASTRUCTURE,  
 CP8 - CP 8 ENVIRONMENT,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM4 - TD CORE STRATEGY - DESIGN,  
 FP3 - TTCAAP - Firepool Lock,  
 TR2 - TTCAAP - Parking in New Development,  
 TR3 - TTCAAP - Smarter Choices,  
 ED1 - TTCAAP - Design,  
 ED4 - TTCAAP - Density,  
 IM1 - TTCAAP - Priorities for Developer Funding,  
 IM2 - TTCAAP - Approach to Viability,  
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for the total amount of floorspace is approximately £119,560. However, relief is available on affordable housing and if all of the units are provided as affordable, the CIL receipt would be £0

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£32,618
Somerset County Council (Upper Tier Authority)	£8,154

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£195,706
Somerset County Council (Upper Tier Authority)	£48,926

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Principle

This is a brownfield site in the centre of Taunton that has been allocated for residential development. As a central site, it has been planned for higher densities of development with a greater proportion of apartments. Residential development is acceptable in principle in accordance with the provisions of the Core Strategy and the Taunton Town Centre Area Action Plan.

### Affordable Housing

The Core Strategy set out a delivery of 17,000 homes over the period 2008 – 2028 with the Taunton Urban Area acting as the primary focus. The plan seeks to deliver around 4,000 new affordable housing units and therefore a target of 25% of all new housing should be in the form of affordable units. It is proposed that Knightstone will deliver all 24 units as affordable housing. The Housing Development and Enabling Manager has commented on both applications and states that the scheme is receiving Government funding and therefore cannot be considered as part of a planning obligation elsewhere. In the event a 100% affordable housing scheme does not progress, the affordable housing planning obligation will be 25% in line with Council policy.

It is therefore considered necessary to provide a minimum of 25% affordable housing which will be secured by a section 106 Legal Agreement.

### Parking

It is proposed to provide 27 parking spaces for the 24 dwellings which is the optimum standard set out in the Somerset Parking Strategy produced by the County Council. In addition, there will be cycle parking within the development and spaces for 5 motorcycles. Objections have been raised by existing local residents that there is not enough parking to serve the existing developments, however, this proposal needs to provide for its own needs and does so by providing more than 1 space per dwelling. It is compliant with Policy Tr2 of the Taunton Town Centre Area Action Plan which sets out maximum parking standards of 1 parking space per apartment. All of the spaces are located within the development site and will be accessed off the NIDR and Abbey Close. There will be no vehicle access from Winkworth Way.

The proposed development includes the optimum amount of parking required and is therefore considered to be acceptable.

### Design

The design of the development follows that on the adjoining site with similar forms and materials. It is a contemporary approach using render and timber cladding, with steeply pitched roofs on the terrace of houses. The roof of the apartment block would have a single ply roof that would match the adjoining development. It is

considered that the design is appropriate and would respect the new character of the surrounding area.

The bank that slopes down to Winkworth Way needs to be landscaped with scrub planting and details of a landscaping scheme can be secured by planning condition. It would also be necessary to secure details of the boundary treatments as part of that scheme.

### Residential Amenity

The front of the proposed terrace of houses will be approximately 24 metres from Waterside House and the car parking area will be in the area in-between. There will be no adverse harm from overlooking at this distance and the 2 storey dwellings are located in such a way that the main outlook is down Abbey Close. It is therefore considered that the residential amenity of existing residents in waterside House and future residents of the houses will be at an acceptable level.

The block of 19 apartments will be approximately 12-14 metres from the approved 3 storey apartment block on the adjoining Crest development. Between the two blocks is the existing pedestrian and cycle way that follows the line of the main sewer pipe that crosses the canal. It is considered that as both of these blocks face onto the public realm and pedestrian/cycle route, that this distance is sufficient and comparable to other streets within the larger development. There will be planting between the two blocks on either side of the pedestrian/cycle route which will provide the necessary low level screening from users of the path.

### Flood risk and Drainage.

The site already benefits from planning permission to raise the land as part of a larger consent for the re-grading of the entire East Goods Yard site. This will take any new development well above potential flood levels and to the same height as the surrounding properties. Surface water drainage from the site will be directed to the existing SUDs attenuation pond on the land to the east. This pond was constructed to attenuate the surface water from the new road and parts of the larger East Goods Yard site.

### Noise

The site adjoins the railway line, but the designs have been amended so that the built development is further away and at a similar distance as the other residential development in the area. The Environmental Health officer as recommended a condition to ensure that adequate noise attenuation features are but into the development so as to avoid harmful disturbance from trains on the main line.

### Play

A small amenity space has been built into the layout of the development which would be between the houses and railway line. The submitted details do not show this to be an equipped area for play. The Leisure Development Officer has suggested that a contribution of £2,994.00 per 2-bed dwelling should be made towards the provision of children's play which would be spent on additional facilities for the benefit of the new residents of the development. It is considered that it is

appropriate for family housing to provide for children's play and this could be either secured by contribution for off-site provision or by onsite provision that is subsequently managed and maintained.

### Conclusion

The site is located in an area allocated for residential development consisting of apartments and houses. Although it is proposed that it will be 100% affordable housing, it is necessary to secure a minimum of 25% affordable housing in accordance with the Core Strategy. The design and layout of the development is acceptable and optimum levels of car parking are to be provided. Planning conditions can be used to secure additional information and detail where required and therefore it is recommended that planning permission is granted for both applications.

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

**CONTACT OFFICER: Mr B Kitching Tel: 01823 358695**

KNIGHTSTONE HOUSING ASSOCIATION

**DEMOLITION OF BUILDINGS AND THE ERECTION OF 66 No FLEXIBLE LIVING RETIREMENT FLATS AND 12 No ASSISTED LIVING FLATS FOR PEOPLE WITH LEARNING DIFFICULTIES (CLASS C2 USAGE) AND ASSOCIATED WORKS AT PARMIN CLOSE, TAUNTON**

Location: STREET RECORD, PARMIN CLOSE, TAUNTON

Grid Reference: 324018.124394

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) DrNo 3225/101 Location Plan  
(A1) DrNo 3225-001 Rev A Ground Floor Plan  
(A1) DrNo 3225-002 Rev A First Floor Plan  
(A1) DrNo 3225-003 Second Floor Plan  
(A1) DrNo 3225-004 Rev A Third Floor Plan  
(A1) DrNo 3225-005 Roof Plan  
(A0) DrNo 3225-006 Rev A Site Plan  
(A1) DrNo 3225-010 Rev A Elevations Flexible Retirement Block  
(A1) DrNo 3225-011 Rev A Elevations Flexible Retirement Block  
(A1) DrNo 3225-012 Rev A Typical Section Trough Main Block & Typical Section Trough Site  
(A3) DrNo 3225-020 Ground Floor Plan - West Block  
(A3) DrNo 3225-021 First Floor Plan - West Block  
(A3) DrNo 3225-022 Second Floor Plan - West Block  
(A3) DrNo 3225-023 Roof Plan - West Block  
(A1) DrNo 3225-024 Elevations - West Block  
(A0) DrNo 3225/205 Digital Survey

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

3. No development shall take place until samples of the materials to be used in



the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To 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. (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.

5. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

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

6. 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 Encompass Ecology Ltd submitted reports ( Extended Ecological Assessment and A Bat Roost and Activity assessment,) dated September and October 2014 , and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the bats and nesting birds
4. Details of a sensitive lighting scheme.

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

Reason: To protect and accommodate wildlife.

7. No flats shall be occupied until the parking spaces as shown on the approved drawing have been provided within the site **and surfaced and marked out.**

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

8. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until a new footway link is constructed from Parmin Way to Ruskin Close in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of providing suitable footpath links to the surrounding area.

9. The Travel Plan Statement submitted for this development shall be implemented within one month of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan measures shall be carried out as approved.

Reason: To ensure a transport choice is provided and to ensure that staff will travel to and from work by means other than the private car in accordance with the relevant guidance in Section 4 of the National Planning Policy Framework.

10. None of the dwellings shall be occupied until the surface water drainage

strategy for the site has been completed in accordance with the details to be submitted to and agreed in writing by the Local Planning Authority, including the maintenance programme and who will carry it out. The scheme shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

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

11. No persons under 60 years of age and/or a partner of 55 years of age shall occupy any of the units hereby permitted in the retirement block with the exception of guests and/or warden(s) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To limit the age range of users in the interests of limiting traffic to and from the site.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the western facing window of flat 10 in the western block, the south facing kitchen windows in flats 32, 50 and 66 of the main block and west facing windows to flats 36 and 37 to be installed in the main block shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

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

3. You are advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development. You are advised that the water main which serves the site will require diversion to accommodate the new layout; buildings above two storeys will require on site boosted storage. There must be no tree planting within 6 metres of Wessex apparatus.

## **PROPOSAL**

The proposal is to demolish the existing buildings on the site that provide 31 dwellings in a mix of bungalows and flats and erect 66 flexible retirement flats with degrees of care, together with 12 assisted living flats for people with learning disabilities on land at Parmin Close.

The main building will consist of 66 flats in a 3 and 4 storey block, that will provide 12 x 2 bed and 54 x 1 bed flats. The accommodation will provide independent living for older and less able people with the provision of on-site care constituting a C2 use.

The redevelopment provides an opportunity to make more efficient use of the land and to expand housing options for specific sectors of the community in housing need where an element of care is desirable or essential. It is intended to retain the public footpath but divert it around the perimeter of the new development. Parking provision for 33 vehicles is provided on site.

The application includes a Design & Access Statement, a Planning Statement, a Transport Statement, Travel Plan, Ecology Report, Bat Survey, Tree Report, Drainage Strategy and Statement of Community Involvement.

## **SITE DESCRIPTION AND HISTORY**

The site extends to 0.92ha, located to the east of the town centre in a highly sustainable location. The site consists of a cul-de-sac of retirement bungalows and flats with warden's house and communal hall. The site is in largely a residential area, characterised by a mix of flats, bungalows, semi-detached and terraced two storey dwellings built in the 1960s and 70s. The Thales factory lies to the east of the site, while new development at Ruskin Close, comprising apartments and houses of contemporary design is located to the north. An existing footpath runs through the site from Parmin Way to the new development in Wordsworth Drive and Ruskin Close.

There is no relevant planning history of applications on the site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comment as follows:

## Recommendation

No objection is raised to this application subject to conditions.

## Travel Plan

The use of the site is confusing as submitted. The description of development shows the erection of 66 flexible retirement flats but the application details show a care home of 5792.8m<sup>2</sup>. If these were to be treated as flats, the need for a Travel Plan, as opposed to a Travel Plan Statement, would be necessary. Even as a care home of this size, a full Travel Plan would be necessary. The supporting documents explain that the increase in number of dwellings will effectively be 48 which takes it below the threshold for a Travel plan contained in the Somerset County Council Travel Plan Guidance.

In this sustainable location with good links to the town centre, there is a real opportunity to establish good walking and cycling habits cutting down on the number of movements associated with the site. Securing the Travel Plan by condition will not achieve the necessary incentive for sustainable travel and a full Travel plan secured by Section 106 agreement is felt to be appropriate.

There is currently a right of way that passes through the site, in part on the footway alongside the adopted road with the remainder provided by adopted urban footpath. The maintenance of this right of way is mentioned in the documents but there is no evidence on the site plan of where this link will be and what form it will take. The link should be as direct as possible and it must be of suitable width and form to provide an attractive pedestrian link. Evidence of the route and form of this link must be provided and agreed prior to any commencement on site. There are various gated areas shown on the site plan, and it is essential that the footpath link is maintained at all times of the day and night for the use of pedestrians.

## Transport Statement

There is no reason to doubt the details contained in the Transport Statement. The assumptions made in determining the existing and proposed traffic levels are sound and except that the prediction for the care home will be quite light compared to flats for independent living which is stated in the description. This distinction needs to be cleared up before an accurate determination can be made. It is very unlikely that this distinction will lead to an unacceptable level of traffic generation but consistency would help to be sure.

The stopping up of the existing public highway on the site can be achieved through the 1990 TCPA Section 247 route but there is no guarantee that the stopping up will be permitted. There can be objections to the stopping up from the Parish Council, from the Statutory Undertakers who may have apparatus in the highway and from members of the public. Any of these objections, if they are upheld, could prevent the highway being stopped up. The Highway Authority would not like to see the stopping up being granted without the footpath link being provided. To achieve this we would ask the Department of Transport that the stopping up be subject to a condition insisting on the footpath provision before the stopping up is granted. To be clear, the footpath link will have to be provided in full before the stopping up will be permitted.

## Site Access

The site access will be gained from Parmin Way a circular residential road where traffic levels and speeds are likely to be low. Visibility for emerging vehicles is likely to be sufficient based on the submitted plans. The proposed geometry should be adequate for the ingress and egress of the types of vehicle expected at the site. The parking level is selected for the care home use and the level for 66 flats for independent living would be different. Once again, clarification is necessary for a full evaluation.

## Conditions

The Highway Authority is reluctant to recommend refusal of this application because the likely impact on the highway network will be minimal. Provided that a full Travel Plan is provided and secured by Section 106 agreement, no objection to this proposal is raised subject to the following conditions:

There shall be no commencement of development until a car parking scheme for the site in accordance with the County Parking Strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme is to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

The proposed access shall be maintained in the same form as the existing access. Once construction has been completed, the access shall be maintained in that condition at all times thereafter.

Prior to any stopping up of the adopted highway, a footpath link equivalent to the existing link is to be provided built to a design that has been submitted to and agreed in writing by the Local Planning Authority. That link is to be constructed in accordance with the agreed design unless otherwise agreed by the Local Planning Authority.

*SCC - FLOOD RISK MANAGER* - The proposal to attenuate surface water discharge from the site is for an underground tank. It would be preferable if this were to be an open pond that could give water quality and amenity benefits as well as controlling run off. Responsibility for maintenance of the drainage system including the attenuation feature is assumed to be the site owner but should be confirmed.

*DRAINAGE ENGINEER* - I note in section 5 Surface Water Drainage of the FRA dated October 2014, the comment is made that following infiltration testing the ground has been deemed to be unsuitable for discharge to the underground strata. However further in the section the comment is made that an area of parking will be constructed with permeable block paving affording extra attenuation etc. No details however are shown as to how the 'treated/attenuated surface water run-off from this area will be disposed of, either by soakaways or a connection to the proposed surface water drainage system, and what effect this has on the total storage volume of 227m<sup>3</sup>. No details are given as to how and by whom the surface water drainage

system, including the car parking area and storage tank are to be maintained. This information should be provided before any planning approval is given.

I am happy with a suitably worded condition to reflect the discussion I had with Ted Stokes of Hydrock as outlined in his email dated 11 December.

*WESSEX WATER* - The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's Advice Note 16 for further guidance.

Redevelopment of the site will result in minimal impact upon our systems and as such capacity exists within our foul and water supply networks subject to agreement of flow rates.

Existing sewers may need to be abandoned (sealed at the point of connection) as appropriate to accommodate the new layout of the site to achieve appropriate easements. The developer should note that the 225mm existing foul sewer draining from south east to north east also serves upstream properties, services to which must be maintained.

Similarly the water main which serves the site will require diversion to accommodate the new layout; buildings above two storeys will require on site boosted storage.

There must be no tree planting within 6 metres of our apparatus.

The applicant has proposed to drain surface water via SuDs arrangements and to a council maintained culvert which will require the approval of your Authority.

*LANDSCAPE* - I consider this to be an interesting scheme and am pleased that the majority of trees are to be retained. I suggest the conditions covering the protection of trees and landscaping.

*BIODIVERSITY* - The application is for the demolition of 1960's buildings and the erection of 66 flexible retirement flats at Parmin Close, Taunton.

The site consists of amenity grass, scattered trees, hard surfaces and built form. The surrounding area is characterised by dense housing stock but on the eastern boundary is a large industrial facility, shielded by a line of mature trees. Encompass Ecology Ltd carried out an Extended Ecological Assessment of the site dated September 2014.

A Bat Roost and Activity assessment, also by Encompass Ecology Ltd, was carried out in September and October 2014.

Findings of the surveys are as follows

### Bats

The surveyor considered that the relatively modern buildings on site are likely to have only low potential for bats. However as bats can be present in any building, he recommended that further surveys took place prior to demolition. These surveys were carried out in September and October 2014.

The surveys found that the majority of bat activity was recorded in the NW corner of the site when common pipistrelles were observed foraging in the vicinity. No bats

were observed to have emerged from buildings or trees on site .I support the proposal for the new build to incorporate in built bat boxes. Lighting design on site is also an important consideration for bats

### Birds

The trees on and off site are likely to support nesting and foraging birds. Tree surgery and tree removal should only take place outside of the bird nesting season. It is likely that the buildings may also be used by nesting birds so demolition should also take place outside of the bird nesting season.

I would like to see in- built bird boxes incorporated within the cavity wall of the new build as recommended in the report.

### Reptiles

The surveyor is aware of significant numbers of slow worms within residential gardens 900 m to the north. However, it is unlikely that reptiles are present on this site due to the well maintained nature of the amenity grass areas on site.

### Badger

No badger setts were evident on site but a reasonably well used badger run was evident along the tree lined eastern boundary. I agree that current access points under the existing fence should be maintained to allow badger foraging to continue on site.

Suggest Condition for protected species.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - No comment.

*DIVERSIONS ORDER OFFICER - Mr Edwards* - No observations.

*HOUSING ENABLING* - Housing Enabling fully supports this planning proposal. The 66 flexible retirement flats will provide homes for local people who need varying levels of support. Furthermore the Assisted Living flats will provide independent living for people with learning difficulties. All these new homes will provide cost effective day to day living and ensure increased independence with the assurance of support when needed.

This development will go some way to satisfy the local need for specialised housing and to encourage an increased degree of independent living

*CIL OFFICER* - I am aware residents can only be referred by medical specialists and all residents will receive a level of care dependent on needs. Therefore if development is use class C2 there will be no CIL liability. If development or part of development is Class C3 liability will be at a rate of £70 per sqm but all affordable housing so CIL relief will be claimed.



## **Representations**

10 letters raising concerns over

- too many housing units,
- size at 4 storey is out of keeping with area,
- materials out of keeping,
- overlooking and loss of privacy,
- will swamp bungalow,
- loss of light,
- loss of amenity land,
- increase in noise and smell,
- increase in risk of crime,
- loss of some trees and bat habitat,
- insufficient dedicated parking will lead to parking in Parmin Way,
- increase in traffic will pose a safety problem - Thales site should be utilised,
- estate roads will not cope,
- path should be lit at night,
- service vehicles will cause obstruction,
- with soil structure would 4 storey building be sustainable,
- detrimental impact on road surface of Parmin Way,
- devaluation of properties,
- need for road resurfacing on completion.
- and construction period:
  - access unsuitable
  - parking in area during demolition,
  - increase in traffic,
  - impact on roads with mud causing accident hazard,
  - cause cracking or subsidence to property,
  - dust and noise pollution,
  - hazards to children, mobility scooters, cyclists and emergency vehicle access;

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
EN8 - TDBCCLP - Trees in and around Settlements,

## **LOCAL FINANCE CONSIDERATIONS**

As the proposal is for an affordable housing scheme there would be no CIL liability.

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

#### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£84,167
Somerset County Council (Upper Tier Authority)	£21,042

#### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£505,004
Somerset County Council (Upper Tier Authority)	£126,251

### **DETERMINING ISSUES AND CONSIDERATIONS**

The site is located in an area where residential development, in principle, would be acceptable as it is an existing residential area to the east of the town centre. The main considerations with the proposal are the design in relation to the character of the area and amenity impact and the relationship between the proposed buildings and the existing development adjacent to the site, together with any highway impacts.

#### Policy

The site is a sustainable location within the existing town and the principle of the development here is considered to accord with policies SD1, CP1, CP4 and CP5 of the Core Strategy. CP4 relating to housing requires an affordable provision as part of any sheltered scheme. This development is being proposed in conjunction with the applicant, who is a registered housing provider, and all of the units in this instance would constitute as being affordable. The existing hall that is being demolished is being compensated for by the provision of a function room and community hub facility within the new building. This considered to replace the existing facility and comply with policy CP5.

#### Design

The existing site consists of brick bungalows and two storey flats built over 40 years ago which are not considered to be of any merit in design terms. The new scheme is of a contemporary design and is designed to read visually and comprehensively with the schemes at Wordsworth Drive and Ruskin Close to the north. The proposal provides buildings at 2, 3 and 4 storey heights but using flat roofs in the design effectively results in up to 3 storey in massing. This creates an architectural link with the development to the north. The main block is made up of 3 and 4 storey elements while the smaller block consists of 2 and 3 storeys. The design promotes a form of development with a distinct character that reflects the nearby development to the north and creates a continuity of style. The materials include a zinc standing seam roof and walls in brick, render and a mix of Rockpanel cladding colours. The roof

also incorporates solar panels. The design and materials and space around the building are considered an acceptable design approach that will blend in with the recently approved schemes.

### Amenity

The scale of the 2, 3 and 4 storey blocks have raised some concerns in terms of their scale and potential to cause overlooking and loss of privacy. The smaller 2 and 3 storey block has been designed so that the building closest to the boundary of the site to the west is only 2 storey and has no windows in the west elevation which is 3m away. The other two storey element of the building facing west has windows serving halls and a bedroom and is 16m to the boundary which is considered an acceptable distance to maintain privacy and prevent any significant overlooking. The two windows at third floor level facing west serve a hall and kitchen and are 16.5m and 11m off the boundary respectively.

The windows on the north elevation of the assisted living flats face into the site and are considered acceptable in amenity terms while the eastern facing windows are over 36m from the site boundary and are also not considered to cause any adverse amenity issues. The windows on the south elevation are 12 to 14m away from the southern boundary and again are considered sufficient distance away from the boundary with other residential property so as not to cause a significant adverse amenity impact.

With regard to the larger retirement block which extends to 4 stories in height, the north (west) elevation is off set from the new flats off Wordsworth Drive and the building is around 20m from these flats and around 40m from the new properties in Ruskin Close. At this distance and orientation there is not considered to be any adverse impact on existing amenity. The eastern elevation faces directly towards the light industrial building on the adjacent site. The site boundary however is well screened by trees and the building is over 25m from the boundary and there are not considered to be any significant amenity issues as a result. One issue with the elevation is the provision of first floor balconies to two flats on the southern end of the building, however these are 17.25m to the southern boundary and at this distance with bin store and substation in between there is not considered to be any adverse overlooking issues.

The south elevation has been designed with the eastern most window canted to face south west so there is no direct overlooking of neighbours. The next 3 windows along serve a corridor, void and a secondary kitchen windows to flats 32, 50 and 66 and it is considered that these flat windows can be conditioned to be obscure glazed. Beyond this the windows face out onto the car parking area and there is not considered to be direct overlooking issues of existing properties. The west elevation faces towards the rear of Wordsworth Drive properties and due to the 'L' shaped nature of the new building the majority of flats are over 45m from the boundary. The nearest flats are around 16m from the boundary, however the windows on this elevation are either secondary windows or windows serving the corridors and so second floor level windows can be conditioned to be obscure glazed. There is a third floor terrace on this elevation which could have given rise to overlooking issues, however this has been amended to reduce the size of the terrace and the elevation facing Wordsworth Drive has been amended with a set back to prevent direct

overlooking of the gardens. This is considered to comply with policy DM1.

### Access and Parking

The access to the site is off Parmin Way and this would not change as part of the redevelopment scheme. The Highway Authority is satisfied that the existing access roads are suitable with adequate visibility and that the traffic generated by the proposal would not be of a scale to be harmful to the area.

There is an existing highway and footway through the site and the proposal seeks to stop up the highway and re-direct the footway through the site. This is considered acceptable in principle and a condition to secure the new footway before occupation of the flats is considered appropriate. The access into the site itself will remain unchanged.

The site lies within Taunton and the parking standard in the County Strategy seeks 1 space per 8 bedrooms for care facilities in such locations such as this. The parking levels sought for assisted care retirement sites in the recent past has been 1 space per 3 units of accommodation. On this basis the 33 spaces shown, including 4 disabled spaces, for the 78 units is considered more than adequate and there are not considered to be grounds for objection for lack of parking, despite concerns of local residents. The scheme is designed to provide housing for the elderly and a condition in respect of limiting the age is considered necessary to ensure the units are occupied as such to limit future parking needs. The parking layout is considered acceptable and a condition to provide a parking scheme is considered unnecessary.

A Travel Plan Statement has been submitted with the scheme which seeks to provide a range of measures and initiatives that accord with the County Council guidance for reducing car travel. These include encouraging cycling and walking through notice boards, staff travel information packs, cycle and motorcycle parking and showers and changing room facilities. The Travel Plan statement is considered appropriate given the nature of the use and the location of the site within the existing built up area and the replacement of existing dwellings and consequently a condition is considered appropriate in this instance.

### Drainage

The site lies within Flood Zone 1, an area identified as at low risk of flooding and the area is served by existing foul and surface water drainage. Wessex Water has confirmed that there is existing capacity to provide for foul drainage to serve the site. The water main through the site will need diverting and this will need to be agreed with Wessex Water.

In terms of surface water the proposed scheme will increase the impermeable area and so would increase run off from the site. It is proposed to regulate run-off flows to no greater than the existing rate and a storage facility in the form of an underground tank is proposed to limit run off during major storms. The Drainage Officer is satisfied that this is suitable. It is considered appropriate to condition the surface water drainage strategy proposed in order to ensure the risk of increased surface water run-off is avoided and this is considered to comply with policy CP8 of the Core

Strategy.

### Landscape

The proposal is to demolish the existing dwellings on site and construct new extra care social housing. A tree survey has been submitted with the application and indicates that 3 trees will need to be removed (2 maple and an alder), however the majority of trees will be retained and new trees will be planted. The Landscape Officer is satisfied with the scheme and recommends conditions in respect of new planting and tree protection.

### Wildlife

An Ecological Survey and Bat Survey have been submitted with the scheme and there were no bats identified as roosting in the demolished buildings or trees to be removed. There was some bat activity to the north west of the site and the scheme incorporates bat boxes to improve habitat in the area. No other protected species were identified as being affected by the development of the site and the Biodiversity Officer recommends a condition to safeguard habitat and species during construction and beyond.

### Summary and conclusion

In conclusion the proposed development provides a beneficial residential re-use of an existing site to provide an affordable assisted care housing scheme in a sustainable location. There are not considered to be any adverse amenity, drainage, wildlife or access and parking issues and the development is recommended for approval subject to appropriate conditions.

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

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

Taunton Deane Borough Council

**INSTALLATION OF BRICK AND STONE RAMP TO THE WEST FACE OF THE BUILDING TO PROVIDE WHEELCHAIR ACCESS TO THE NEW TAUNTON INFORMATION CENTRE, THE MARKET HOUSE, FORE STREET, TAUNTON.**

Location: MARKET HOUSE, FORE STREET, TAUNTON, TA1 1JD

Grid Reference: 322721.124489

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:

(A1) DrNo 14.2372/01 Plans and Elevations as Existing  
(A2) DrNo 14.2372.02 Rev A Plans as Proposed  
(A1) DrNo 14.2372/04 Rev A West Elevation & Section B - B1 as Proposed  
(A1) DrNo 14.2372/05 Rev A North Elevation as Proposed  
(A2) DrNo 14.2372/08 Location and Block Plan

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

3. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: The detailed design of the handrails, at a scale of 1:10; details of the nosing for the steps and detail of how the new brickwork will be differentiated from the historic elements.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP8 of the Core Strategy and the relevant guidance in Section 12 of the National Planning Policy Framework.

## **PROPOSAL**

The proposal is to provide a ramped access to the western side of the Market House to allow for wheelchair access to the new Tourist Information Centre. The ramp would project almost 2m from the building and be 8m long and it would be constructed in brick and stone.

A separate listed building application has been submitted and sent to the Secretary of State.

## **SITE DESCRIPTION AND HISTORY**

The site of the Market House lies in the centre of town within the pedestrianised area and the three storey building dates from around 1770 by the architect responsible for the laying out of the gardens at Hestercombe House. The main building was flanked by single storey market arcades which were demolished in 1932 and replaced by the existing 2 storey wings to the east and west. The building is listed Grade II\*.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT* - The proposal relates to amendments to the existing building including the formation of a ramped access.

The Highway Authority has no objection to the principle of this development as it is unlikely to generate any vehicle movements in its own right as most visitors would either be on foot or have visited Taunton for other reasons.

However the formation of the proposed ramp would require see a structure placed on the adopted highway. The Highway Authority has no interest in taking on either the liability or the future maintenance of the structure. As a consequence the applicant would need to stop up this section of the adopted highway. This can be done under Section 247 of the Town and Country Planning Act 1990. Please note that no work is allowed to commence until the order has been granted.

Therefore taking into account the above information the Highway Authority raises no objection to this proposal subject to the successful stopping up of the existing highway.

*HERITAGE* - The amended plans accord with my comments on suggested amendments

*ENGLISH HERITAGE (ALL CONSULTATIONS)* - . We do not wish to comment in detail, but offer the following general observations.

The significance of the Market House, grade II\* listed, is covered in some length within the application. The reason for listing relates primarily to the central core of the building, which dates from the 18th century. The focus of this application is the open arcade to the western end, which was built in the 1930's.

The proposal is to enclose the open arcade, creating additional accommodation for a tourist information office. In order to facilitate disabled access a ramp and steps are provided.

Key to our advice to local authorities is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". When considering the current proposals, in line with Para 129 of the NPPF, the significance of the asset's setting requires consideration. Para 132 states that in considering the impact of proposed development clear and convincing justification is needed if there is loss or harm.

The open arcades do not make a substantial contribution to the significance to the main building, as they are relatively modern and rather utilitarian in design. On this basis their enclosure is not opposed. What we did discuss during pre application discussions, at some length, was whether access could be provided by new structures that would add to the architectural significance of the building rather than being simple functional accretions. We note the points raised by Building Control and the difficulties raised by Highways that suggest that these options are not achievable. We feel that these issues could be overcome, and would be pleased to discuss this in negotiations continued, however whilst not the best solution the one currently put forward is acceptable. If the council is minded to approve the current application we recommend that conditions be applied to control:

- The detailed design of the handrails, at a scale of 1:10. A timber handrail should be specified.
- Samples of Brick and Pennant stone should be agreed on site prior to commencement .
- A 1 metre section of wall and paving shall be made available on site for agreement, in writing.
- Details of the new internal door are required at an appropriate scale, to be agreed with the conservation officer.
- Colour contrasting nosing's should be omitted in favour of a more sensitive solution, to be agreed.
- A detail should be submitted to illustrate how the new brickwork will be differentiated from the historic elements.

#### Recommendation

We urge you to address the above issues, and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice. It is not necessary for us to be consulted again.

#### Representations

None received.

#### PLANNING POLICIES



NPPF - National Planning Policy Framework,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
EN23 - TDBCLP - Areas of High Archaeological Potential,

## **LOCAL FINANCE CONSIDERATIONS**

There is no CIL liability with the proposal.

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issue with the scheme for the ramped access is the impact on the setting of the listed building. Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses".

The ramp is proposed to the western side of the building and impacts on the western arcade which dates from the 1930's. English Heritage do not consider that the arcades make a substantial contribution to the significance of the main building and would prefer to see an access that would add to the architectural significance of the building. However they agree that the current proposal is acceptable. The Conservation Officer has also looked at the scheme and considered the revised details to be acceptable. A number of conditions are recommended to ensure the appropriate detailing is secured as part of the works.

The access ramp would lie within the adopted highway and the Highway Authority advise that this will require the stopping up of the highway which should be carried out before works commence. There is no objection to the scheme as such and as there is separate legislation in respect of the highway it is not considered necessary to condition the stopping up.

The proposal is not considered to harm the setting of the listed building and is considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and so the recommendation is for permission.

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

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

SOLAR VENTURES

**INSTALLATION OF 5MW SOLAR FARM AND ASSOCIATED INFRASTRUCTURE  
AT LAND EAST OF MONTYS FARM, NORTON FITZWARREN AS AMENDED.**

Location: LAND AT MONTYS FARM, NORTON FITZWARREN , TAUNTON

Grid Reference: 318295.126485

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: **Subject to** the submission of further information regarding the archaeological potential of the site and the receipt of no ongoing objection from the County Archaeologist: 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:

(A0) DrNo CW\_XXXX\_031 Plant Site  
(A0) DrNo CW\_XXXX\_031 Restriction and Constaint Plan  
(A3) DrNo CW\_XXXX\_031 Location Plan  
(AO)DrNo ME\_XXXX\_031 Location Plan  
(A3) DrNo S.L.P. Site and Location Plan  
(A3) DrNo PL/Array Elev Elevations of Arrays  
(A3) DrNo PL/DNO DETAILS/01 DNO Station Details  
(A3) DrNo PL/Array Layout And Grid Con./01  
(A3) DrNo Rev C Switch Gear Kiosk & Base Design General Arrangment  
(A3) DrNo WPD Building  
(A3) DrNo A3 TBC GA Sales Drawing  
(A1) DrNo PL/Array Section/-01  
(A1) Fence Details  
(A1) PV Array, Plant and Camera Layout Plan  
(A1) Restrictions and Constraints Plan

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

3. Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity

generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.

Reason: To ensure that the site is adequately restored following the decommissioning of the site in the interests of the visual amenities of the area.

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

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

5. No development shall commence until the public footpaths within the application site have been diverted onto the proposed route shown on drawing PL/RESTRICT & CONSTRAINTS/01 and the new routes are full open and available for public use.

Reason: The proposed development has an unacceptable impact upon the public footpaths in their current locations and without the diversion in place, planning permission would not be given.

6. The development hereby permitted shall not be commenced until details of a strategy to protect and accommodate wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of the Magnificent Science Company's Extended Phase 1 Habitat Survey Report dated June 2014 and up to date surveys and include:

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

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

Reason: To protect wildlife and their habitats from damage.

7. (i) Before any part of the development hereby permitted 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. The scheme shall show the hedgerows and trees to be retained and the method of protection during the construction phase. The scheme shall be based on the "Planting Recommendations, revised issue 3rd December 2014" prepared by The Magnificent Science Company.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

8. Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. It shall include proposals for the ongoing management of hedgerows and landscaped areas over the lifetime of the permission hereby granted. The Environmental Management Plan and Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase.

Reason: To ensure that the site is managed in an acceptable way to protect visual amenity and ecological interests on the site.

9. Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the containers, substations, customer MV station and inverter housing hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

10. Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within 3 months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the access roads are returned to their former condition in the interests of highway safety and the visual amenities of the area.

11. No development shall commence until a detailed surface water drainage strategy has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To ensure that flood risk is not increased.

12. No development shall commence until a pollution management plan for the development has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include an assessment of the likely impacts of pollution during the construction and operation of the development to surface waters and groundwater abstraction sources. Where risks are identified through the assessment, appropriate mitigation measures shall be identified. The development shall be carried out and maintained in strict accordance with the approved plan.

Reason: To ensure that the development does not contribute to an unacceptable risk of water pollution.

13. Prior to their installation, full details of the proposed perimeter fencing and CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected and thereafter maintained as such in accordance with such approved details.

Reason: In the interests of the visual amenities of the area and to ensure that the fencing does not obstruct flood flows.

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

Reason: In the interests of highway safety.

15. 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, fences, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission.

Reason: To protect wildlife interests and the visual amenities of the area.

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

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

## Notes to Applicant

### **PROPOSAL**

This application seeks full planning permission for the construction of a solar park. The development proposes the installation of around 20,000 solar photovoltaic panels create a 5MW installation over an area of approximately 10.9 ha.

The development would include 3 inverter stations – one in each field, a ‘customer MV’ station that takes the power out of the installation and a separate DNO (Western Power Distribution) sub-station. CCTV cameras would be placed at intervals around the site perimeter adjacent to a 2m high perimeter fence. The panels would be arranged in south facing rows and would have a maximum height of 2.189m above ground level.

Existing hedges on the site would retained. Additional planting would then be provided consisting a double row of woodland trees and a further new hedge to provide a woodland edge style planting belt around the north, west and southern boundaries of the site.

The application indicates that two existing public footpaths that cross the site would be diverted, although this needs a separate approval and cannot be done through the grant of planning permission. The proposed diversion would take the footpath out of the development site so that the new screening separated it from the development.

## **SITE DESCRIPTION AND HISTORY**

The site comprises agricultural fields to the west of Norton Fitzwarren. The land is relatively flat and fields are divided by various hedgerows. To the north, a hedge separates the site from a small parcel of land that lies adjacent to the Halse Water. To the east a mature hedge separates the site from the West Somerset Railway.

On the southern side the site is partly enclosed by existing hedgerow (at the eastern side of the site) and partly open to the adjoining land to the south (on the western side). This adjoining land separates the site from the B3227. To the west, a further hedgerow separates the site from an agricultural field that lies between the site and Monty's Lane.

Off the northwest corner of the site lies Monty's Hamlet, a group of 7 dwellings comprising an original farmhouse and converted barns. 3 of the dwellings – the Granary, Shippon Barn and The Hayloft have windows facing towards the proposed development at a distance of approximately 165m from the site boundary at the closest point when viewed at an angle and 260m from the site boundary at a straight line.

Beyond Monty's Hamlet is the dam on the Halse Water. The site is downstream of the dam, but its northeast corner remains in Flood Zone 3.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*NORTON FITZWARREN PARISH COUNCIL* – Initially commented as follows:

- 1) The Flood Risk Assessment is grossly inadequate; the proposed installation would be situated on land that is in flood zone 3. Experience from other sites is that the run off from the panels will compact the earth and causes runnels which will flow into Halse Water increasing the water level downstream in an area already prone to flooding. This may have implications on the designed effectiveness of the dam.
- 2) The traffic plan included with the application is the wrong plan; it refers to a site in South Wales. A transport plan should therefore be provided for this site.
- 3) There has been little public consultation for an application of this size. Has the second consultation taken place? If so, the Parish Council and residents were not notified of it.
- 4) We understand that solar panels should only be installed on grade 3 land; our understanding is that this land is superior to grade 3.

- 5) The height of the solar panels differs between the application form (2.5m) and the Elevation of Arrays plan (3.678m). This is a marked increase in height, has the proposed screening taken this into account?
- 6) As this application lies along the flight path of helicopters into and out of Norton Manor Camp, has 40 Commando been consulted on its implications to them?

If the above concerns are addressed the Parish Council do not object, but further consultation with the parish should take place before any decision is made.

Following consultation on the revised and additional information, confirmed the PC confirmed that they wanted to stand by their original comments.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* – A small quantity of Roman pottery has been recovered from the corner of the of the proposed application area. Further to this, site lies within an area containing several cropmark enclosures, one a possible Roman marching camp. An excavation to the west of the application area also uncovered the remains of two Early Bronze Age

cremations and 11th-14th century activity including metalworking, which may be

associated with a settlement in the vicinity. The site therefore lies in an area of high archaeological potential. There is however currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. In accordance with the National Planning Policy Framework (Paragraph 128) and SCC Heritage Service Guidelines concerning Solar Farm applications (2012), this should comprise a geophysical survey and subsequently, depending upon the results, a trial trench evaluation. These investigations will be used where appropriate to inform a suitable mitigation strategy.

*LANDSCAPE* – Initially commented as follows:

The application is for installation of 5MW solar farm in three fields covering 26 acres, and associated works, at Monty's farm, Norton Fitzwarren. The Quantock Hills AONB lies approximately 3.6 km to the NE of the site

The site lies within Landscape type River Floodplain LCA 2a The Tone, but LCA 1a Vale of Taunton exhibits influence on the immediate and wider landscape of the site

The Magnificent Science Company carried out a Landscape and Visual Impact assessment of the site dated June 2014.

Plans submitted with the application are unclear as i could not determine if new landscaping was proposed to mitigate the impact of this application on the landscape.



The site is generally flat with good sense of enclosure. The hedges and trees on site and to the immediate north generally help in the assimilating of the panels into the landscape and help to screen and filter views certainly from the east, north and west.

Tree cover and hedge lines to the south are less robust, and so the panels will be viewed from several properties to the south such as Wey house as well from the B3227.

Two public footpaths look directly on to the site or cross the site (although the applicant may decide to legally divert one footpath), so the impact on user's enjoyment of the landscape will be adversely and significantly affected.

To conclude I generally agree with the assessment and likely impacts but have concerns that the panels will be viewed from the south and from the public rights of way.

Mitigation in the form of tree planting and infilling of gaps in hedges is required to soften the visual impact. Hedgerow elms throughout the site are showing signs of disease, so the existing screen afforded by these trees is likely to be compromised in the future, once the trees reach their critical size.

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Could consideration be given to using less industrial looking materials for the inverter buildings and substation?

The proposed camera poles are 4m high is this necessary, could they be lower? They should be carefully located so that they are not positioned within the crown of existing trees on site.

In addition I would like to have assurance that the existing hedges (mainly elm) will be appropriately managed throughout the life of the project.

The applicant should also carry out additional mitigation (as suggested in the Extended Phase 1 Survey) such as construction or reinstatement of ponds, and installation of bird boxes etc as this would enhance the site for wildlife.

*In respect of the amended plans raised the following comments:*

Further to previous comments made in connection with this application, further detail has been submitted which clarifies the situation with regards to proposed landscaping.

I am generally satisfied with the species and planting distances proposed but consider, should planning permission be granted, that the width of the belts of planting should be increased, particularly along the southern boundary.

I agree that a management plan is required to address the elm disease problem.

Could consideration be given to using less industrial looking materials for the inverter buildings and substation?

The proposed camera poles are 4m high- is this necessary, could they be lower? They should be carefully located so that they are not positioned within the crown of existing trees on site.

*ENVIRONMENT AGENCY* – Initially objected due to the inadequacies of the FRA. Following receipt of an updated FRA withdrew that objection subject to a condition that no development should take place until a scheme for surface water drainage had been submitted to and approved in writing by the Local Planning Authority.

Also made the following comments:

The applicant has estimated an attenuation pond of 1620 m<sup>3</sup> is required on site to deal with the surface water attenuation. This has not been specified in the FRA as to how the attenuation will be provided, but has been suggested.

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

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

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

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

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

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

*SCC - RIGHTS OF WAY* – Confirms that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time. Any proposed works must not encroach on to the width of the footpath.

The proposed development will obstruct the right of way and a diversion will be necessary. The right of way will need to remain open and available until the (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. We would request to be consulted on the surface of any diverted public right of way.

If the route is to be diverted, this will be dealt with by Taunton Deane Borough Council.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has

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

Outlines the scenarios where further approval from SCC would be required.

*DIVERSIONS ORDER OFFICER* – Public Footpath T18/10 will be affected by this proposal. Early consultation is recommended regarding this matter as it is possible that a careful deployment of the panels may obviate the need to divert the footpath.

*BIODIVERSITY* - The Magnificent Science Company carried out an Extended Phase 1 Habitat Survey Report of the site dated June 2014

The report covers seven fields but recommends that the development is restricted to three arable fields. Two LWS lie within 1 km of the site. Norton Brook meanders along the northern boundary of the site. There are a number of species rich hedges with trees on site as well as ponds present in the area.

Findings of the report are as follows

#### Breeding birds

Habitat on site such as trees and hedgerows provide nesting and foraging habitat for a number of birds. It appears from the plans submitted that three breaches in hedgerows are required to accommodate this proposal. Clearance of vegetation should not be carried out during the bird nesting season. Breaches in the hedges should be replanted. Data obtained from SERC lists four records of barn owl within 2 km of the site.

#### Badgers

An outlying badger sett was recorded on the eastern boundary of field no 1525 which is just outside of the area of this application. I agree that a badger resurvey should take place immediately prior to any commencement of development to ensure that no new setts have been formed since June 2014.

#### Bats

The hedgerows, trees and water on site provide foraging and movement corridors for bats. There are also a number of trees on site with bat roosting potential. If hedgerows or trees are to be severely impacted upon, then I agree with the surveyor that bat activity surveys should be undertaken. I also agree that any lighting on site should be kept to a minimum

#### Otters

Two otter spraints were seen on Norton Brook as well as two well-worn slides. The surveyor also found a fallen telegraph pole across the river that was well worn and likely to be used by otters to cross the river.

### Water Vole

During the survey, the surveyor noted a number of water vole holes along the water bank. As otters and water voles are present, it is important that the brook is buffered.

### Great crested Newt

The ponds at either end of the wet ditch in the north of the site were assessed for GCN using the HIS index but the score was low indicating that GCN were unlikely to be present.

I agree, with the surveyor that the two semi improved fields should not be developed, as they form an important riverside buffer. There is an opportunity for the proposed development to increase biodiversity on site in the form of tree and hedge planting, grassland management and the formation of new ponds as suggested by the surveyor.

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

*MINISTRY OF DEFENCE* – The application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

*CIVIL AVIATION AUTHORITY* – Do not intend to comment, the airport operator is the appropriate consultee for this type of development.

## **Representations**

### Cllr J Court-Adkins

“As District Cllr for Norton Fitzwarren, I would like to comment as follows: I note Major Hill’s concerns about helicopters and confirm that movements are almost daily. No permission should be granted unless it can be proved that there would be no hazard to aircraft e.g. dazzling. The revised traffic plan takes no account of the NIDR which will be opening in 2015 and refers to the “Oxbridge” viaduct. I therefore object to this application”.

### CPRE Somerset

Object for the following reasons:

- The Government confirms that support for Solar PV should ensure that

proposals are appropriately sited and give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity. This reflects the CPRE's views.

- Climate change is one of the most urgent and complex environmental issues, solar energy can make a contribution to reducing carbon emissions.
- Large scale installations, however, should be sited on roofs of industrial and agricultural buildings, not on farmland and locations where the aesthetic and amenity value of the land is harmed.
- The proposal does not accord with the TDBC landscape strategy for the area to focus on enhancing the quality of the landscape. The overriding openness and simplicity of the landscape pattern should be conserved.
- The proposal is contrary to DM1 and CP8 as it would be detrimental to the appearance and character of the landscape and would not conserve and enhance the natural and historic environment.
- The site is flat and highly visible from adjacent roads and a number of public footpaths in the immediate vicinity.
- The FRA does not look at mitigating the impact of the development on surface water run-off.
- The ad-hoc pattern of solar PV installations across the country suggests that there is no national or regional policy on their location and that the location and number is being dictated by developers and not by a coherent planning policy. There are regional imbalances and a proliferation in the south west and Somerset.
- Agriculture and Tourism are important to the local economy and serious consideration should be given to ensuring that solar installations do not detract from the amenity value and agricultural nature of the countryside.

1 letter of comment from Norton Manor Camp suggesting that solar panels may affect helicopters as they come to the camp on a daily basis. Shine, glare etc. may put helicopters at risk. Also concerned about surface water discharge and the potential for increased flood risk.

1 letter from the Monty's Hamlet management company confirming that they are content that their concerns have been addressed by the applicant.

2 letters of COMMENT raising the following issues:

- The site suggested at pre-application stage has been removed from the western field, adjacent to Monty's Hamlet in accordance with local residents concerns.
- Flooding has been a major issue around Wick Bridge; the construction of the dam has resulted in more flooding downstream of Wick Bridge, with Monty's Lane being impassable for up to a week at a time during the winter.
- The initial FRA did not address the issue of silting of the Halse Water and Norton Brook caused by the dam.
- Query whether there will be any plans to clear up the road following construction.
- The Traffic Management Plan refers to the use of some 6 axle vehicles – Monty's Lane is not suitable for this type of traffic.
- Two banksmen may be required to aid traffic in Monty's Lane rather than the one referred to in the Traffic Management Plan.

- Request that working hours are 08.30 – 17.00 (12.30 Saturdays) rather than the 7.30 – 18.00 given in the Traffic Management Plan.

Other comments were raised that the originally submitted information was inaccurate and conflicting. This has now been corrected.

1 letter of OBJECTION raising the following comments:

- Solar panels were designed for buildings, not open countryside. They should be placed on all new housing in Taunton instead.
- All productive food growing land in Britain should be preserved.
- Tourism is a mainstay to the local economy – there should not be urban blight in the open countryside.

## **PLANNING POLICIES**

EN21 - TDBCLP - Nationally Important Arc Remains (HISTORIC),  
 EN12 - TDBCLP - Landscape Character Areas,  
 ROW - Rights of Way,  
 EN28 - TDBCLP - Development and Flood Risk,  
 EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,  
 EN12 - TDBCLP - Landscape Character Areas,  
 ROW - Rights of Way,  
 EN28 - TDBCLP - Development and Flood Risk,  
 EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,

## **LOCAL FINANCE CONSIDERATIONS**

None.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the consideration of this application are the principle of the development, landscape and visual impact, flood risk, ecology and highways.

### Principle -

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

development of renewable energy).

Paragraph 97 specifically states: “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”, going on to add that local policies “should maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”.

At paragraph 93, the NPPF states that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”. It then states that “this is central to the economic, social and environmental dimensions of sustainable development”. The subsequent paragraphs refer to the need for a positive approach to renewables and the need to approve applications if its impacts are or can be made acceptable. It is true that much of this relates to the need for LPAs to plan positively and put strategies for renewable energy delivery in place, but the principles are still relevant to decision making. The Core Strategy does not include or propose such land allocations, rather it details a criteria based policy within which to assess such applications (Policy CP1). Therefore, each application must be considered on its own merits, largely with regard to its impacts and in accordance with Policy CP1.

In terms of local policy, the proposal is located on land designated as open countryside. In general terms, development in these areas is restricted, unless they are for agricultural purposes. Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy does not specifically permit renewable energy installations, although it does permit development for essential utilities infrastructure. This could be taken to include power generating infrastructure, especially in the context of the NPPF which, as in previous planning policy, indicates that the ‘need’ for the development should not be considered by the Local Planning Authority.

Strategic Objective 1 (Climate Change) of the Core Strategy states that “Taunton Deane will be a leader in addressing the causes and impacts of climate change and adapting to its effects”. Policy CP1 (Climate Change), referred to above, states that ‘proposals for the development of renewable and low carbon sources of energy, including large-scale freestanding installations will be favourably considered provided that...[they] can be satisfactorily assimilated into the landscape ... and would not harm the appearance of these areas; [and that their] impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal”.

Some concern has been raised about the loss of agricultural land. No detailed agricultural land classification survey has been carried out for the site, although the application makes an unsupported statement that the land is grade 3b. Paragraph 112 indicates that the economic and other benefits of the best and most versatile agricultural land should be taken into account and that LPAs should “seek to use areas of poorer quality land in preference to that of a higher quality”. However, much of Taunton Deane is higher grade (1-3) agricultural land and in this context, if TDBC is to accept renewable energy in principle, it is likely to require the use of higher grade agricultural land. Whilst its removal from production is regrettable, the

permission is sought for a 25 year period after which the land could be returned to agriculture. As such, it is not considered that this matter carries sufficient weight to warrant refusal of the application.

Throughout the latter part of 2013, the government made various policy announcements and ministerial statements regarding the impact of renewable energy and large scale solar in particular. This culminated in the publication of the 'solar roadmap' in the autumn of last year. Subsequently, the National Planning Practice Guidance (PPG) has been released and it is considered that this supersedes previous ministerial statements and policy guidance as it provides the most up to date government guidance on interpretation of the NPPF.

The guidance confirms that the responsibility placed on all communities to increase the use and supply of green energy does not automatically override environmental protections and the planning concerns of local communities. It also sets out particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms. The PPG favours the use of brownfield land, discouraging the use of greenfield land but also sets out that it is important to consider that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and that the land is restored to its previous use. In this context, it is considered that the sole issue that a proposal is using farmland is not considered to warrant refusal of an application.

The PPG goes on to confirm that the proposal's visual impact, effect on landscape of glint and glare, on neighbouring uses and aircraft safety should be taken into account, and that there may be a need for and impact arising from security measures. That said, planning authorities should also take account of the potential to mitigate landscape and visual impacts through (for example) screening with native hedges.

With regard to the foregoing, it is considered that the proposal is acceptable in principle, provided that it has an acceptable impact on the landscape, ecology, highway network and other surrounding land uses.

### Landscape and visual impact

The application site sits low in the landscape and is generally surrounded by existing hedgerows. To the north, beyond the Halse Water, are areas of woodland and substantial mature tree planting. As such, it is not considered that there would be any significant visual impact in terms of long-distance views from the north.

To the east, the site adjoins the West Somerset Railway. The railway itself has substantial tree planting along the site boundary and it has not been proposed to enhance the planting in this area in any way. Some glimpsed views may be possible from the railway, particularly in winter months, but this is south of the main WSR terminus at Bishops Lydeard and so the frequency of passenger services on this section of the line is limited. Beyond the railway, is further woodland planting between the nearby public footpath and the site, so there are no concerns regarding visual impact from close range to the east, beyond the railway.

Your officers have also viewed the site from Norton Hill Fort, further to the east.



From this location, the landscape is unfortunately dominated by electricity pylons. Looking directly towards the site, the site will be seen in the context of significant areas of woodland and will not be dominant in the area. The additional woodland planting proposed around the perimeter will further help to assimilate the development into the landscape from these more distant vantage points.

To the south, part of the site is currently open and, until the landscaping establishes, the installation could be open to traffic on the B3227. That said, there is an intervening hedge along the B3227 and there are limited opportunities to glimpse the site through the small breaks in hedgerow. Those travelling in higher vehicles may be able to see the site for longer, but the proposed landscaping will, in a relatively short period of time, screen the development from view. The proposed additional planting is substantial, including two rows of woodland trees and a new native species hedge. This is considered to be a well conceived boundary treatment that will work well as an effective visual screen on this fairly level site.

To the east is Monty's Lane and the dwellings at Monty's Hamlet. Consultation responses from these residents suggest that they had been approached by the developer at pre-application stage and had been shown a development that came closer to them than is now proposed. Apart from some technical matters, such as access, they have not raised objection to the siting of the development on this land, now that the closest fields have been removed from the scheme and the development sited further away. It is still likely that residents of the three barn conversions facing directly towards the site will be able to see the development. However, the additional landscaping and separation distance means that it should not be overbearing upon them. As with views from the south, the additional landscaping will mean that from ground level, on Monty's Lane, the development should be well screened.

At the present time, two footpaths run within the site – one along the northern edge of the proposed solar park and one running broadly north-south through the centre of the proposal. Unusually, the developer is proposing to divert these paths to take them outside of the development area and the new landscaping. This would mean that the footpaths would maintain their openness as field edge paths and the solar panels and mitigation planting would not be overbearing on them. In terms of the enjoyment of the paths, the proposal is considered to be a sound one.

However, the acceptability of the proposal upon the footpaths is predicated upon their diversion and this must be confirmed through other legislation; the grant of planning permission cannot confirm the diversion. It is, therefore, considered necessary to impose a Grampian condition that no development can be carried out until the footpath has been diverted. In the event that the path is not diverted, the development could not be implemented – this is reasonable since as currently proposed, the development would have an unacceptable impact upon the enjoyment of the public footpaths.

With regard to the above, and with necessary conditions in place, the impact of the development upon the visual amenities of the area is considered to be acceptable.

### Flood risk

The eastern part of the site is within flood zone 3 – the highest risk area. The PPG contains ‘Flood Risk Vulnerability Classification’ and Flood Risk Vulnerability and Flood Zone Compatibility’ tables which indicate the types of development that are appropriate in the various flood zones. However, the tables do not make any mention of energy infrastructure other than that which must be sited within flood risk zones to operate properly, so there is no specific national guidance on whether other installations such as solar parks are appropriate within flood risk areas.

The FRA information that has been submitted with the application is not in a standard format, with the background information having been provided by a separate company and a drainage assessment report being in a separate document. That said, the assessment confirms the likely size of required attenuation ponds and the EA confirm in their consultation response that this is appropriate. No information has been submitted regarding the proposed location of any attenuation ponds, but the EA have confirmed that it should be possible to provide it.

A condition should be imposed to secure a detailed drainage design for the site prior to the commencement of the development. With that in place, the EA have confirmed that there would be no increase in off-site flood risk as a consequence of the development. The elevation of the panels above the ground means that in the event of a flood event, the flood water would be able to flow relatively unimpeded under the panels. Again, the EA have raised no objection to the site’s partial location within the high risk area.

### Ecology .

The removal of the site from active agriculture and the additional planting along the site boundaries means that the proposals would generally benefit wildlife. The Biodiversity Officer has confirmed that this should be the case and that with conditions to protect wildlife and submit an ongoing environmental management plan for the site, wildlife would be protected.

### Highways .

The site is accessed from the B3227 via a relatively short length of Monty’s Lane. The Junction of Monty’s Lane with the B3227 is an acceptable one, although Monty’s Lane itself is a single track rural road with a tight bend outside Monty’s Farmhouse. In order to access the site for construction vehicles, the applicant proposes to create a temporary storage area at Northam’s Yard a short distance to the west and accessed directly from the B3227. This would allow smaller vehicles to be used to deliver items directly to the site.

Some concern has been raised that the submitted Construction Traffic Management Plan indicates that some 6 axel vehicles would still be required to access the site and that Monty’s Lane cannot support such a loading and that additional banksmen would be required to the one suggested at the site access. However, it is considered that given the short length of Monty’s Lane involved, the submitted traffic management plan is acceptable.

Conditions are recommended to secure wheel washing facilities and repair of any damage to the public highway and on this basis, the proposal is considered to be acceptable in highway terms.

### Other matters

The Parish Council have raised concern that solar panels could adversely affect aircraft safety – particularly with regard to helicopters traveling to Norton Manor Camp. This has been echoed by a Major at the camp; however the MOD has confirmed that it has no objection and it is considered that the MOD's central representation should carry greater weight than the Major's. Furthermore, there are examples around the country where large solar installations have been provided directly alongside runways, so seems unlikely that such installations would have a significant impact upon aircraft safety.

The submitted traffic management plan suggests potential hours of operation and one local resident has suggested that this ought to be reduced. However, it is considered that if there is significant noise or disturbance arising from construction activities, this would more appropriately be dealt with through Environmental Health legislation. The construction period has been stated to be between 4 and 6 weeks and on this basis it is not considered that specific restriction on hours of working should be imposed on any planning permission granted.

### Conclusion

It is considered that the development of the solar park in this location is acceptable in principle. With the proposed mitigation in place and following diversion of the footpaths as suggested in the application, there would be no significant adverse impact upon the visual amenities of the area from close range or greater distance viewpoints. Subject to an appropriate drainage scheme, the development would not lead to an increase in flood risk, nor would it cause harm to wildlife or highway safety interests. The impact upon the closest residential properties is considered to be acceptable and it is, therefore, recommended that planning permission is granted.

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

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

# **TAUNTON DEANE BOROUGH COUNCIL**

**Planning Committee - 07 January 2015**

**E/0073/46/12**

## **HOLIDAY LETS ALLEGEDLY OCCUPIED BY LONG TERM TENANTS AT GERBESTONE LODGES, GERBESTONE LANE, WEST BUCKLAND**

**OCCUPIER:**

**OWNER:** LORD WATTS HOLDINGS LTD  
94 GROSVENOR ROAD, LONDON, SW1V 3LF

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# **TAUNTON DEANE BOROUGH COUNCIL**

**Planning Committee - 07 January 2015**

## **PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of residential occupation of the Holiday Lodges in contravention of the condition 02 of permission 46/08/0022.

## **RECOMMENDATION**

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

The Notice shall require -

- The cessation of permanent residential occupation of the holiday lodges.

The time for compliance shall be 6 months from the date the notice takes effect.

## **SITE DESCRIPTION**

Land to the immediate west of Gerbestone Manor, formally part of the curtilage of the Manor, but now with planning permission for 8 holiday lodges granted by two separate permissions (4 each) in 2004 and 2005. Only 4 have been built to date, three from one permission and 1 from the other. The site is accessed off a private driveway which leads from the unclassified highway known as Gerbestone Lane which runs from junction 26 of the motorway. the site is about 1.5 hectares in size.

## **BACKGROUND AND RELEVANT HISTORY**

A complaint was received that the four constructed lodges were being occupied on a full time/permanent basis and that the occupants were not holiday makers. It has been suggested that some of the occupants send their children to the local school thereby indicating that there was a degree of permanence to their occupancy. Planning Contravention Notices were served on each occupied Lodge and the

information received back clearly showed that the units were indeed being occupied on a permanent basis. This means that the occupancy condition was not being complied with. The owner was contacted and shortly afterwards, an application was submitted to vary the condition attached to the 2008 permission. This application (46/14/0029) was refused under delegated powers on 12/11/2014

## **DESCRIPTION OF BREACH OF PLANNING CONTROL**

The condition attached to permission 46/08/0022 states -

"The chalets shall be occupied for tourism purposes only and shall not be occupied as a persons sole or main residence. The site operator and owners shall maintain an up to date register of the names of all owner/occupiers including their guests of individual chalets on the site and of their main home address and shall make this information available at all reasonable times to the Local Planning Authority".

This condition has not been complied with and as the attempt to vary the condition has failed the Local Planning Authority need to progress further action to resolve the breach.

## **RELEVANT PLANNING POLICES**

NPPF - National Planning Policy Framework,  
PPF655 - NPPF Section 6, Paragraph 55,  
Paragraph 207 (Enforcement)  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
DM2 - TD CORE STRATEGY - DEV,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP8 - CP 8 ENVIRONMENT,  
EN12 - TDBCLP - Landscape Character Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The primary consideration with this matter is the planning policy position. Planning Policy and Government Guidance requires all planning proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Taunton Deane Core Strategy contains policies for the development of the Borough. The relevant policies are listed above. Within the document, major sites for housing development have been identified in detail. Reference is also made for the need to allocate additional small scale housing within minor rural centres, via a 'Site Allocation and Development Management Plan' – [SADMP]. The proposal site is not covered by either policy. The site lies beyond existing and proposed settlement limits as set out in the adopted Local Plan (2004), Core Strategy (2012) and the emerging SADMP. In this regard, it is clear that the proposal should be treated as being within Open Countryside (see Core Strategy Policy SP1).

Proposals for new development and changes of use in open countryside should be determined in accordance with policy DM2. This policy lists the types of development that are acceptable. As three of the four structures the subject of this proposal have already been built, they are covered by policy DM2.7, which deals with the conversion of existing buildings. It is clear from DM2.7(a) that the building 'must be of permanent and substantial construction and of a size suitable for

conversion without major rebuilding or significant alteration or extension'. The lodges are described in the original marketing brochure (Stags) as being of timber framed construction with log cladding set beneath a tiled roof. This has been confirmed by the agent on the original 2005 permission. It is doubtful whether this would meet the tests for residential occupation required under the Building Regulations, although the Building Control Officer has commented that all of the facilities of the units would need to be tested to be certain. In any event, the units cannot be described as being of 'substantial construction. Even if the units were deemed to meet the test of DM2.7(a), it is clear from DM2.7(b) that a sequential test must be followed. There are 4 other preferred uses that the policy deals with before any form of residential occupation might be considered appropriate. The 5th preferred option identifies 'affordable, farm or forestry dwellings, but there is no intention in the application to make the properties any of these. Community housing is identified as the 6th preferred option and this is defined in the accompanying text as having a maximum of two bedrooms with no home office. This clearly does not apply either, as the development does not propose community or affordable housing. The policy is clear that only in exceptional circumstances will the 7th option of conversion to other residential use be permitted. The proposal therefore does not accord with the adopted development plan (The Core Strategy).

Having reached this conclusion, it is appropriate to consider whether or not the benefits of residential use would outweigh the harm. The size of the site and number of dwellings involved would not make a worthwhile contribution to the 5 year land supply, but could set a precedent elsewhere in this immediate area and across the Borough for deviating from the Development Plan. The LPA has an up to date Core Strategy which defines the settlement limits and countryside (policies SP1 and DM2). The site is too small for an allocation, which would normally have at least 10 dwellings (the size regarded as a 'major application' and of a scale to provide other benefits only deliverable through the Development Plan such as affordable housing). The site is some significant distance from the services and facilities that a residential property would require. There are no nearby settlements, communities or associated facilities to serve the units, with the nearest settlements at West Buckland being 2.5 kilometres away and at Wellington over 4 kilometres away. Neither are walkable given the distance and poor quality of roads, many without designated footpaths. There is also no public transport route in the vicinity of the proposals site. This all makes the site an unsustainable location, and development/changes of use should not be supported in unsustainable locations. These factors also make the proposal contrary to the provisions of the National Planning Policy Framework, which is quite clear in making a 'presumption in favour of sustainable development'. An exception was made for the holiday use because it was accepted that holiday makers tend to use vehicles more anyway, and there was an identified need to help the tourism trade in the area. These factors do not apply to residential use. It is clear that permission was only granted originally on this basis and residential consent would never have been authorised.

It is not considered that the owner has tried sufficiently to market the properties for holiday purposes, and even if he had, then the adopted Core Strategy (policy DM2.7) is clear that there needs to be a sequential approach to alternative uses. Residential use would only be considered in very exceptional circumstances and it has not been argued that there are any in this instance, other than a lack of bookings for the holiday accommodation. Therefore the proposal is clearly contrary to the provisions of the NPPF which makes clear that proposals must be determined in accordance with the development plan, unless material considerations indicate otherwise - paragraph 11. When a recent application was considered, the applicant did not allude to any other material considerations and the LPA is not aware of any.

The proposal is also contrary to paragraph 55 of the NPPF which only promotes sustainable development (which includes changes of use) in the countryside.

In conclusion, from a policy perspective, use of the properties for residential purposes fails the referenced tests and is therefore contrary to the National Planning Policy Framework and policies SP1, DM2 and CP8 of the Core Strategy. Design, highways and access issues, landscape issues, drainage, impact on the Listed Building (Gerbestone Manor being grade II\* and the two adjacent barns being grade II), and the impact on the street scene and character of the area are other relevant considerations, but would probably not be adversely affected by any authorised residential use as the units already exist. Traffic generation is likely to be more permanent, busy and year round with residential occupation, but it is noted that the Highway Authority did not object when the Council considered the recent request to lift the occupation restriction. Therefore, it is not felt appropriate to add any of these issues as additional reasons for taking enforcement action.

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

PLANNING OFFICER: Mr J Burton

ENFORCEMENT OFFICER: Mr J A W Hardy, Tel: 01823 356466

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**AUTHORISATION OF CASE OFFICER'S REPORT AND RECOMMENDATION**

**Chartered Town Planner (Development Management Lead)**

I agree/disagree to the above recommendation.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

49/14/0064

MR & MRS M KEANE

**DEMOLITION OF OUTBUILDINGS WITH ERECTION OF TWO STOREY SIDE EXTENSION AT 1 WEST ROAD, WIVELISCOMBE**

Location: SHARPE HOUSE, 1 WEST ROAD, WIVELISCOMBE, TAUNTON,  
TA4 2JS

Grid Reference: 307907.127778

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 J87/09C Elevation and Section  
(A3) DrNo J87/08B Block and Location Plan  
(A3) DrNo J87/07A Proposed Garage Workshop(A3) DrNo J87  
(A3) DrNo J87/06C Proposed Elevations  
(A3) DrNo J87/05C Proposed First Floor and Attic Plan  
(A3) DrNo J87/04B Proposed Ground Floor Plan

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

**Notes to Applicant**

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

**PROPOSAL**

The application seeks planning permission for the erection of a two storey extension to the West elevation and a replacement detached garage with terrace to the South, at 1 West Road, Wiveliscombe. Previous dormer windows to the North elevation of the original house and proposed extension have now been omitted.



The proposed extension will require the demolition of two flat roof sections to the West of the dwelling. The extension will be of rendered walls, slate roof and timber fenestration. The accommodation being proposed will comprise a small hall, kitchen and diner at ground floor with an ensuite bathroom above.

The proposed new garage will be sited on a similar footprint to the existing structure. It will be of rendered walls and flat roof, being set into the sloping site; the terrace would be formed with the installation of ballustrading to the perimeter of the roof.

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

## **SITE DESCRIPTION AND HISTORY**

Large property at the edge of Wiveliscombe town centre, on the southern side of West Road, next door to the small garage. The property lies close to the junction of West Road with Croft way, the latter of which runs at the back of the curtilage of this property. There is a small section of outbuilding to the West of the dwelling and a garage in need of repair or replacement to the South, adjacent parking and turning areas. Residential properties surround the site to the East and West, with highway North and South.

An application was made in 2006 to fell a Eucalyptus tree in the rear garden of Sharpe House and no objection was raised by the Council. Permission was granted for the change of use of the site from care home to dwelling house under LPA reference 49/14/0009).

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WIVELISCOMBE TOWN COUNCIL* - Support the application - no harm to visual or residential amenity.

*HERITAGE* - 1 West Road lies within Wiveliscombe Conservation Area and is a building of historic interest. It is identified in the 2007 Conservation Area Appraisal as making a positive contribution to the Area's character and appearance. It appears to have originally been a short terrace of perhaps three cottages, most likely of C19 date but is potentially earlier – it is noted that the West Street floor level is well below current street level (which is often indicative of an early building) and a building is shown here on the 1840 Tithe Map.

The outbuilding in the rear garden is more recent in date and appears to be of no historic interest. I have no objection to its demolition and replacement – although the proposed garage building is large and the roof terrace an unusual feature.

The side extension is more problematic. It would occupy a very tight space squeezed between this building and the adjacent No. 3 West Street. Although it is set back off the front elevation (it is not shown whether it would be clear of the decorative quoins), the presence of the dormer window draws attention to it and the

fact that it visually unbalances the continuous West Street frontage. This, combined with the proposed dormer to the existing building, introduce new elements to the building that would detract from its character and appearance and the contribution 1 West Street makes to the Conservation Area. For these reasons I am unable to support a recommendation for approval.

## **Representations**

None.

## **PLANNING POLICIES**

CP8 - CP 8 ENVIRONMENT,  
H17 - TDBCLP - Extensions to Dwellings,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider are the impact of the proposed development upon neighbouring amenity and the character and appearance of the Wiveliscombe Conservation Area. Applications for development in a conservation area must be considered with regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

With regard to residential amenity, neither the two storey or garage with terrace will adversely impact upon neighbouring amenity. The extension will be positioned between properties thereby having no impact upon light or outlook; privacy would be acceptable in terms of window to window relationships also. The proposed terrace would overlook a yard area associated to the neighbouring garage. Taking these matters into account the proposed development is acceptable in respect of residential amenity.

In terms of visual impact, the proposed extension has been amended to omit the dormer windows that previously concerned the Conservation Officer. This amendment will reduce the impact of the extension; whilst it is somewhat squeezed in between properties, it is set back from the highway and principle elevation and would not be dominant within the street scene given its narrow width.

The proposed garage and terrace is curiously designed structure but such is the result of wanting to provide a terrace whilst minimising visual impact through cut and fill. The new building would have a much more acceptable visual relationship to its surroundings than the existing building, which is somewhat dilapidated and in need of repair. Overall, it is considered that the character and appearance of the Conservation Area would be maintained and visual amenity not adversely affected by the proposed development.

Having regard to the above matters, it is recommended that planning permission be

granted.

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

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

42/14/0065

MR & MRS R CURTIS

**REPLACEMENT OF GARAGE WITH ERECTION OF TWO STOREY SIDE EXTENSION AT 12A TRULL GREEN DRIVE, TRULL**

Location: 12A TRULL GREEN DRIVE, TRULL, TAUNTON, TA3 7JL

Grid Reference: 321555.122305

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 J99/04B Proposed Ground Floor and First Floor Plans  
(A3) DrNo J99/05A Proposed Elevations  
(A3) DrNo J99/06A Site and Location Plan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor window to be installed in the side (south) elevation of the extension shall be obscured glazed and non-opening (with only opening parts of the window more than 1.7 metres above the floor level). The type of obscure glazing shall be of level 3, 4 or 5 obscurity, unless otherwise agreed in writing with the Local Planning Authority and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1(E) 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**

12A Trull Green Drive is a brick and tile dwelling towards the end of the cul-de-sac. The property is of a monopitched roof design with varying ridge heights, set within a row of four similar style properties, linked by flat roof garages. To the rear is Fairview Terrace, a row of properties facing Wild Oak Lane, which lie within the Conservation Area. To the front of the property, an area is laid to grass, with a driveway providing two off road parking spaces.

This application seeks planning permission for a two-storey extension to the side, to replace the garage and create an enlarged kitchen and dining area with an en-suite bedroom above. The scheme originally proposed involved a gabled roof design, which protruded forward to the same extent as the existing garage.

Following concerns raised by the case officer, the design was amended to a monopitched style roof to reflect the element to which it would be attached and set back from the front. It is also proposed to fix and obscurely glaze the first floor side window.

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

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

**Consultation period still running at the time of writing. Any further representations received will be updated on the committee update sheet.**

*TRULL PARISH COUNCIL* - No comments received at the time of writing

*HERITAGE* - No comments received at the time of writing

### **Representations**

Letter received from the occupiers of 12 Trull Green Drive raising the following points:

- Concerns regarding how works will affect their garage and stating preference for how works should be carried out.
- Object strongly to interference with structure of part of our property that could de-stabilise our garage.
- Little space between 12a and 12.
- Concerns that south facing wall is to be render, which is out of character.

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

None

## **DETERMINING ISSUES AND CONSIDERATIONS**

The proposed extension, as amended, would be of monopitched roof design and fenestration to match and would therefore appear in keeping with the existing dwelling. Following the receipt of amended plans, the extension is set back from the front, reflecting the stepped appearance of the property and creating an element of subservience. As such, the proposed extension is not deemed to appear dominating to the existing dwelling. In view of the wide gap between the existing properties, the extension would be clearly visible from the road, however by virtue of the amended design, it is not considered to appear unduly prominent, to the detriment of the street scene. A concern is raised by the neighbour regarding the use of render on the south elevation. The extension is shown to be constructed in brick on both the proposed elevations and application form and therefore no weight is attached to this concern.

The extension would bring the property close to the boundary with no.12. Over the boundary at no.12 is the flat roof garage, with the two storey element to the other side of this. A window lies in the side elevation of no.12, facing the proposed extension, which is understood to serve the stairs. Whilst the extension would come closer to this window, as it does not serve a habitable room, there are no concerns regarding loss of light. Due to the staggered nature of the properties, it is acknowledged that the extension would protrude to the rear of no.12. However, the rear windows to no.12 are separated from the extension by the garage width and the extension would not protrude significantly. As such, the scheme is not deemed to result in a loss of light to the rear windows or garden area of no.12. It is proposed to incorporate a window in the side elevation of the proposed extension, which is shown to be fixed and obscure on the amended floor plans and is not therefore deemed to result in any increased overlooking of the adjacent property. The occupiers of no.12 raise concern that there is little space between the two properties, however, on the basis of the above, the proposal is not considered to cause any harm to the living conditions of the occupiers of that property or other nearby properties.

Whilst the extension would result in the loss of the garage, the revised plans show two car parking spaces within the site. This is considered a sufficient level of parking, being the equivalent of the current situation (one space within the garage and one space to the front). There are therefore no concerns regarding any increased pressure, beyond the current situation, to park on the adjacent highway. The proposal is not therefore considered to lead to an increased impact upon highway safety.

The occupiers of the adjacent property raise several points as to how they would wish to see the works carried out and concerns regarding structural interference that could de-stabilise their garage. The Local Planning Authority in considering this application must assess the end impact of the new extension on the amenities of neighbouring properties. The Local Planning Authority cannot get involved with how the applicants choose to undertake the works. These points are civil matters, to be agreed between the relevant parties, rather than planning matters and therefore

limited weight can be attributed to these issues.

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

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

38/14/0409

MR & MRS S BURGE

**ERECTION OF TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION AT 8 PARKFIELD DRIVE, TAUNTON**

Location: 8 PARKFIELD DRIVE, TAUNTON, TA1 5BT

Grid Reference: 321924.124306

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 J105/01 Survey Drawing  
(A3) DrNo J105/02A Proposed Floor Plans  
(A3) DrNo J105/03A Proposed Elevations  
(A3) DrNo J105/04 Block and Location Plan

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

**PROPOSAL**

Erection of a two storey extension at the side of the property that will project 2.75m at the side of the property and a lean-to rear extension that includes a bay window which will project a total of 3.8m.

The two storey extension to the side will replace the existing garage and front bedroom at first floor with a full height roof which will be hipped to match the existing property. There are no windows on the proposed east elevation facing the Neighbours at no 6 Parkfield Drive.



The application is being presented to Planning Committee as the Agent is related to a member of staff.

## **SITE DESCRIPTION AND HISTORY**

The property is detached and finished in render under a tiled roof. There is an integral garage with a room at first floor level above but with a low sloping roof. A two storey flat roof extension is behind at the side leading to the rear. This will all be replaced by the proposed extension which will be built inside the boundary so no encroachment will occur to the Neighbour at no 8 Parkfield Drive. There are no windows on the side elevation of either property.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

None received

### **Representations**

10 Parkfield Drive - No objections to what seems to be a well thought out development

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

Not applicable in this instance

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is considered that the scheme is acceptable as the size and scale of the proposed extensions are in-keeping with the existing property and have been designed to reflect the character of dwelling with a bay window and hipped roof to match existing. There are no windows proposed on the side elevation and as there are no windows in the side elevation of the Neighbouring property there will be no adverse impact with regards to loss of light or amenity. The application is therefore considered acceptable and is recommended for approval.

**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**

05/14/0051/LB

MR M SUTTON

**REPLACEMENT OF ATTACHED GARAGE WITH ERECTION OF SINGLE STOREY EXTENSION TO THE SIDE OF BRAMDEAN, BISHOPS HULL ROAD, BISHOPS HULL (RETENTION OF PART WORKS ALREADY UNDERTAKEN, RESUBMISSION OF 05/14/0034LB)**

Location: 1 BRAMDEAN, BISHOPS HULL ROAD, BISHOPS HULL, TAUNTON, TA1 5EP

Grid Reference: 320353.124621

Listed Building Consent: Works

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

1. 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.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A4) DrNo 5015-01 Location Plan  
(A3) DrNo 5015-PLB 02 Proposed Rev B  
(A3) DrNo 5015-PLBN-02A Existing Rev A  
(A3) DrNo 5015-02 Site Plan

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

3. No development, excluding site works, shall begin until a panel of the proposed brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant guidance in Section 12 of the National Planning Policy Framework.

4. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: details of terminal end of air extraction unit to new WC.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant guidance in Section 12 of the National Planning Policy Framework.

5. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment, that shall first have been submitted to and approved by the Local Planning Authority prior to their installation.

Reason: To ensure details appropriate to the character of the Listed Building in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant guidance in Section 12 of the National Planning Policy Framework.

For the avoidance of doubt, drawing number 000000-GA1B Sections Through Casement Window Type FCW-DG is not approved and does not form part of this consent.

6. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant guidance in Section 12 of the National Planning Policy Framework.

7. The rooflights hereby approved shall be fitted flush with the roof covering unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure details appropriate to the character of the Listed Building in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant guidance in Section 12 of the National Planning Policy Framework.

8. All guttering, downpipes and rainwater goods shall be constructed of cast iron or aluminium and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant guidance in Section 12 of the National Planning Policy Framework.

Notes to Applicant

## **PROPOSAL**

Demolition of attached garage and erection of single storey extension to the side elevation.

## **SITE DESCRIPTION AND HISTORY**

Bramdean is a late C18 red brick house restored in the mid C20 and now split into two dwellings. No 1 comprises the southern part and includes the main accommodation elements of the historic house. It was listed at Grade II on 25 February 1955. Recent applications have been received for the installation of central heating, internal alterations and removal of gate piers (05/09/0006 and 0007/LB). There were earlier applications (05/14/0036 and 05/14/0034/LB) which were withdrawn and there is a parallel planning application to this listed building consent application (05/14/0050).

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BISHOPS HULL PARISH COUNCIL* - Supports application.

### **Representations**

None received.

## **PLANNING POLICIES**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

There is evidence in the brickwork on the south elevation of the earlier existence of some form of structure on this side of the building, so there is some precedence for a lean-to building here. Part of the site of the proposed extension was also formerly occupied by the garage that has now been demolished - this was not of historic interest. In this particular case, and given the mid C20 alterations, I can accept the principle of a single-storey extension here and this application would result in the

loss of less of the wall of the existing house than the previously withdrawn scheme. The windows to the main house it is proposed to replace are later replacements of limited historic value. The proposed window details submitted with the application were not acceptable and have been withdrawn by the agent. These can be re-submitted for approval post determination.

Overall, the scheme would not reduce the significance of this listed building or its surroundings. It is recommended that consent is granted subject to conditions.

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

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

05/14/0050

MR M SUTTON

**REPLACEMENT OF ATTACHED GARAGE WITH ERECTION OF SINGLE STOREY EXTENSION TO THE SIDE OF BRAMDEAN, BISHOPS HULL ROAD, BISHOPS HULL (RETENTION OF PART WORKS ALREADY UNDERTAKEN, RESUBMISSION OF 05/14/0036)**

Location: 1 BRAMDEAN, BISHOPS HULL ROAD, BISHOPS HULL, TAUNTON, TA1 5EP

Grid Reference: 320353.124621

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) DrNo 5015-01 Location Plan  
(A3) DrNo 5015-PLB 02 Proposed Rev B  
(A3) DrNo 5015-PLBN-02A Existing Rev A  
(A3) DrNo 5015-02 Site Plan

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

Notes to Applicant

**PROPOSAL**

Demolition of attached garage and erection of single storey extension to the side elevation.

**SITE DESCRIPTION AND HISTORY**

Bramdean is a late C18 red brick house restored in the mid C20 and now split into two. No 1 is the southern part comprising the main accommodation elements of the historic house. It was listed at Grade II on 25 February 1955. Recent applications have been received for the installation of central heating, internal alterations and removal of gate piers (05/09/0006 and 0007/LB). There were earlier applications

(05/14/0036 and 05/14/0034/LB) which were withdrawn and there is a parallel listed building consent application to this current planning proposal (05/14/0051/LB).

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BISHOPS HULL PARISH COUNCIL* - Supports application.

*LANDSCAPE* - No observations.

### **Representations**

None received.

## **PLANNING POLICIES**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

There is evidence in the brickwork on the south elevation of the earlier existence of some form of structure on this side of the building, so there is some precedence for a lean-to building here. Part of the site of the proposed extension was also formerly occupied by the garage that has now been demolished - this was not of historic interest. In this particular case, and given the mid C20 alterations, I can accept the principle of a single-storey extension here and this application would result in the loss of less of the wall of the existing house than the previously withdrawn scheme. The windows to the main house it is proposed to replace are later replacements of limited historic value. The proposed window details submitted with the application were not acceptable and have been withdrawn by the agent. These can be re-submitted for approval post determination.

There are no additional windows created on the east elevation and no impact on the amenity of any neighbouring properties was identified or responses received.

Overall, the scheme would not reduce the significance of this listed building or its surroundings, or impact on neighboring properties. It is recommended that the application is approved.

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

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

**APPEALS RECEIVED FOR COMMITTEE AGENDA – 07 January 2015**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
PP/D3315/E/14/2228525	DEMOLITION OF OUTBUILDING AND ERECTION OF EXTENSION AT HIGHLANDS MANOR, 55B TRULL ROAD, TAUNTON	38/14/0291