

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 12 August 2015 at 17:00.

---

### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 24 June and 15 July 2015 (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 05/15/0014 Erection of a car port to front of Cobwebs, 18 Great Mead, Bishop's Hull (retention of works already undertaken)
- 6 45/15/0006 Replacement of telecommunication equipment consisting of removal of 2 No. antenna from gable ends of barn and 2 No. ground cabinets and the installation of a 12.5m replica telegraph pole with 6 No shrouded antenna, 2 No. dishes and 2 No. cabinets plus ancillary equipment at London Farm, New Road, West Bagborough
- 7 43/15/0059 Demolition of public house, public toilets and 10 No. prefab concrete (prc) council houses and erection of 26 No. dwellings (12 no. 1 bed, 9 no. 2 bed, 4 no. 3 bed and 1 no. 4 bed) with associated parking and landscaping on land at the Weavers Arms and Oaken Ground, Rockwell Green, Wellington
- 8 38/15/0193 Conversion of dwelling into two and the erection of three dwellings with gardens and access at 19 South Street, Taunton
- 9 25/15/0018 Erection of two storey extension to side of Pen Elm House, Norton Fitzwarren
- 10 The latest appeals and decisions received

Assistant Chief Executive

03 September 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.

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



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



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

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

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

**Planning Committee Members:-**

Councillor R Bowrah, BEM	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor M Adkins	
Councillor W Brown	
Councillor M Floyd	
Councillor J Gage	
Councillor C Hill	
Councillor S Martin-Scott	
Councillor I Morrell	
Councillor S Nicholls	
Councillor J Reed	
Councillor N Townsend	
Councillor P Watson	
Councillor D Wedderkopp	
Councillor G Wren	

## Planning Committee – 24 June 2015

Present: - Councillor Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors M Adkins, Brown, Gage, Hill, Martin-Scott, Morrell,  
Mrs Reed, Townsend, Watson, and Wren

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal Planning Officer), Roy Pinney (Legal Services Manager) Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Democratic Services Officer)

Also present: Councillor Hall for application No. 38/15/0026, Councillor D Durdan for application Nos 14/15/0016 and 14/15/0008. Councillor Habgood and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### 63. Apologies

Councillors Mrs Floyd, Nicholls and Wedderkopp

### 64. Minutes

The minutes of the meeting of the Planning Committee held on 27 May 2015 were taken and read and were signed.

### 65. Declarations of Interest

Councillors M Adkins and Coles declared personal interests as Members of Somerset County Council. Councillor Townsend declared personal interests as he was Vice-Chairman to Kingston St Mary Parish Council and Chairman to the Kingston St Mary Village Hall Association. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillors Coles, Townsend and Watson declared that they had received emails in respect of application No E/0006/38/15.

### 66. 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 development:-

**38/15/0026**

**Demolition of former nursery building, conversion of former Cafod building into 2 No. dwellings with erection of attached single dwellings**

**and alterations to car parking arrangements and associated works at Former Cafod building, St George's Church, The Mount, Taunton as amended**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A0) DrNo 604/7634/4 Elevations;
  - (A2) DrNo 604/7634/2 Ground Floor Plan;
  - (A2) DrNo 604/7634/3 First Floor Plan;
  - (A2) DrNo 604/7634/1 Site Plan;
  - (A4) Location Plan;
  - (A2) DrNo 1456/P01D Proposed Site Plan;
  - (A2) DrNo 1456/BP02C Revised Block Plan;
  - (A2) DrNo 1456/P02B Proposed Ground Floor Plan;
  - (A2) DrNo 1456/P03B Proposed First Floor Plan;
  - (A2) DrNo 1456/P04B Proposed Roof Plan;
  - (A2) DrNo 1456/P05B Proposed South East Elevation;
  - (A2) DrNo 1456/P06B Proposed North West Elevation;
  - (A2) DrNo 1456/P07B Proposed Dwelling Elevations;
  - (A2) DrNo 1456/P08A South West Elevation;
- (c) No new wall construction shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) The development hereby permitted shall not be commenced (including any demolition) until a dusk emergence survey report has been submitted to, and approved in writing by the Local Planning Authority. The survey shall ascertain the usage of the site by bats and shall be undertaken by an appropriately qualified person at an appropriate time of year (May to August) and use techniques and equipment appropriate to circumstances;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's Preliminary Bat Roost assessment, dated March 2015 and the up to date Bat emergence survey and include: Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; Details of the timing of works to avoid periods of work when

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

- (f) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no.BP02B for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear;
- (g) The windows in the upper floors of the north elevation of the new build dwelling and lower panes of the bedroom of unit 2 shall be glazed with obscure glass and limited opening or fixed to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission;
- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 ('the 2015 Order') (or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes A to C of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (i) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development unless otherwise approved in writing by the Local Planning Authority; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (j) The design, materials and type of boundary treatment to be erected shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the development being occupied. The agreed boundary treatment shall be completed before the building(s) are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council 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; (2) Applicant was advised about 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; (3) Applicant was advised about 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; (4) Applicant was advised about BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (5) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

**14/15/0016**

**Demolition of dwelling, garage and outbuildings and erection of 2 No detached dwellings each with detached garage and associated works at 16 Crown Lane, Creech Heathfield (amended scheme to 14/14/0060)**

(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:-

- (A4) Location Plan;
- (A4) Existing Block Plan;
- (A4) Existing Site Plan;
- (A4) Proposed Block Plan;
- (A4) Proposed Site Plan;
- (A4) Proposed Floor plot 1 Plan;
- (A4) Proposed Elevations Plot 1 Plan;
- (A4) Proposed Floor Plot 2 Plan;
- (A4) Proposed Elevations Plot 2 Plan;
- (A4) Garage Floor & Elevations Plot 1 Plan;
- (A4) Garage floor & elevations Plot 2 Plan;
- (A4) Existing Dwelling Elevations;

(c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby



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

- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A, B, C & E of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (e) The area allocated for parking and turning on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (f) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (g) No site clearance works or vegetation removal shall take place between 1 March and 31 July inclusive without the prior written approval of the Local Planning Authority;
- (h) 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 a specialist consultant's report, and include:-
- A further bat activity survey to ascertain the usage of the site by bats. It shall be undertaken by an appropriately qualified person between May-October and use techniques and equipment appropriate to the circumstances;
  - A reptile mitigation survey to ascertain the usage of the site by reptiles. It shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances;
  - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  - Measures for the retention and replacement and enhancement of places of rest for the species.

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

(Notes to applicant:- (1) Applicant was advised that In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that the developer must agree a point of connection to the foul sewerage network with Wessex Water; (3) Applicant was advised that any proposed works must not encroach on to the width of the public right of way (PROW) to the west boundary of the site; 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 footpath unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC's Rights of Way Group:-

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

If the work involved in carrying out this proposed development would:-

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained; (4) Applicant was advised that an open watercourse runs to the rear of the properties to the south of this site and any alterations to the watercourse will required Land Drainage Consent from Somerset County Council; (5) Applicant was advised that the proposed soakaways should be designed and constructed in accordance with Building Research Digest 365).

**36/15/0009**

**Demolition of dwelling and erection of replacement dwelling with garage/workshop building at Dawnlea, Griggs Hill, Stoke Road, Stoke St Gregory**

- (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 5045\_01 Location Plan;
  - (A3) DrNo 5045\_02 Existing Site Plan;
  - (A1) DrNo 5045\_03 Existing Dwelling to be Demolished;
  - (A1) DrNo 5045\_04 New Replacement Dwelling;
  - (A3) DrNo 5045\_05 Replacement Garage / Workshop;
  - (A3) DrNo 5045\_06 Proposed Site Plan;
  - (A3) DrNo 5045\_07 Proposed Replacement Dwelling, Dawnlea, Griggs Hill, Stoke St Gregory;
- (c) (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;
- (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 a specialist consultant's report, and include:-
- A further bat emergence survey and a further badger survey to ascertain the usage of the site by bats and badgers. They shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances;
  - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  - Measures for the retention and replacement and enhancement of places of rest for the species;
- Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter any resting places and agreed accesses for the relevant species shall be permanently maintained. The development shall not be occupied until the scheme for

the maintenance and provision of the new resting places and related accesses have been fully implemented;

- (e) No removal or cutting back of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1 March and 31 August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest;
- (f) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (“the 2015 Order”) (or any Order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A, B and C of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

(Notes to applicant:- (1) 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 entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that with regard to WILDLIFE AND THE LAW, the protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation; BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Governments advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained).

- (2) That **planning permission be refused** for the under-mentioned development:-

**14/15/0008**

## **Change of use of land for the siting of a mobile home on land adjoining North End Farm, North End, Creech St Michael**

### **Reason**

The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves an appropriate need, such as the need for affordable homes. Whilst the site adjoins the settlement limit, it is not considered that there are no other suitable sites within the rural centre itself, or that the need cannot be met by the affordable homes currently under construction within the village, or other affordable dwellings soon to be constructed in the adjacent Parish. The scheme therefore represents an unjustified dwelling outside of settlement limits that would set an undesirable precedent for future development. As such, the proposal is contrary to Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

### **67. E/0006/38/15 – Breach of planning condition restricting clothing sales to 20% of retail space, Go Outdoors, Units 2 and 3 St Johns Business Park, Priory Way Industrial Estate, Taunton**

Reported that it had come to the attention of the Council that the company Go Outdoors appeared to be in breach of condition 10 of planning permission 38/13/0267 in that the amount of floor space that was devoted to clothing and footwear was more than the 20% allowed.

A site inspection had taken place and discussions had been held with the occupier's agent over the means of calculating the division of floor space.

Two plans were subsequently submitted to the Council by the agent showing either 12% or 31% floor area (depending on the method of measurement employed) given over to clothing and footwear. However, in the opinion of the Area Planning Manager the level was currently well in excess of 30%.

It was acknowledged that the method of interpreting the floor area was not clear, however officers were satisfied that a breach existed and the occupiers had therefore been instructed to reduce the amount of floor space to comply with the 20% level.

In the circumstances, the Committee had been recommended to authorise the service of an enforcement notice to ensure condition 10 of planning permission 38/13/0267 was complied with.

Noted that the company had very recently submitted a further planning application (Ref 38/15/0241) to vary the original condition to allow 25% of the net floor space to be used for the sale of clothing and footwear.

**Resolved that:-**

- (1) The proposed enforcement action be held in abeyance until application 38/15/0241 had been determined;
- (2) In the event that application 38/15/0241 was refused, the Solicitor to the Council be authorised to serve an enforcement notice requiring:-
  - (a) The cessation of the breach of condition 10 of planning permission 38/13/0267 which restricted more than 20% of the internal net floor area of the store known as Go Outdoors, Units 2 and 3 St Johns Business Park, Priory Way Industrial Estate, Taunton to be used for the sale of clothing and footwear; and
  - (b) The removal of clothing and footwear in excess of the permitted 20% from the net floor area of the retail store;
- (3) Any enforcement notice served should have a compliance period on one month; and
- (4) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

## **69. Appeals**

Reported that two appeals were received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 6.55 p.m.)

## **Planning Committee – 15 July 2015**

Present: - Councillor Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors M Adkins, Brown, Cavill, Gage, Hall, Martin-Scott, Morrell,  
Nicholls, Mrs Reed, Townsend, Watson, and Wedderkopp

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal  
Planning Officer), John Burton (Major Applications Co-ordinator), Maria  
Casey (Planning and Litigation Solicitor) and Tracey Meadows  
(Democratic Services Officer)

Also present: Councillor Habgood and Mrs A Elder, a Co-opted Member of the  
Standards Committee.

(The meeting commenced at 5.00 pm)

### **70. Apologies/Substitutions**

Apologies: Councillors C Hill, Mrs Floyd and Wren

Substitutions : Councillor Cavill for Councillor C Hill;  
Councillor Hall for Councillor Wren

### **71. Minutes**

The minutes of the meeting of the Planning Committee held on 3 June 2015  
were taken and read and were signed.

### **72. Declarations of Interest**

Councillors M Adkins, Coles and Wedderkopp declared personal interests as  
Members of Somerset County Council. Councillor Townsend declared  
personal interests as he was Vice-Chairman to Kingston St Mary Parish  
Council and Chairman to the Kingston St Mary Village Hall Association.  
Councillor Martin-Scott declared personal interests as he was trustee to the  
Home Service Furniture Trust and a trustee to Trull Memorial Hall. Councillor  
Nicholls declared a personal interest as a Member of the Fire Brigade Union.  
Councillor Watson declared that he had 'fettered his interest' regarding  
application No. 06/15/0012. He left the room whilst the item was being  
discussed. The Chairman, Councillor Bowrah declared that application No.  
43/15/0001 was in his Ward. He left the room whilst the item was being  
discussed and the Vice-Chairman, Councillor Coles, took the Chair for this  
item.

### **73. 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 development:-

**06/15/0012**

**Conversion of first floor shop (use Class A1) to residential for first floor (use Class C3) at Church House Interiors, West Street, Bishops Lydeard**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A1) DrNo 1 of 2 Existing Plans, Elevations and Block Plan;
  - (A1) DrNo 2 of 2 Proposed Plans and Elevations;
  - (A4) DrNo Site Location Plan;
- (c) The new windows hereby permitted shall be timber and thereafter maintained as such unless agreed in writing by the Local Planning Authority;

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

**07/15/0011**

**Change of use of agricultural barn to form 4 No. business units (Class B1) and 1 No. work live unit (Sui Generis) and external alterations to building at Heatherton Park Studios, Bradford on Tone**

- (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:-
- (A4) DrNo 1\_D4 Rev A – July 2015 Location Plan;
  - (A4) DrNo 1\_ D5 rev A – July 2015 Block Plan;
  - (A1) DrNo 19D\_13 REV A Existing & Proposed S and N Elevations;



- (A1) DrNo 19D\_12 REV B Existing and Proposed E and W Elevations;
- (A1) DrNo 19D\_11 Rev A Proposed Plans and Sections;
- (A1) DrNo 1\_D10 Existing Ground Floor Plan;

- (c) The residential floor space hereby permitted shall not be occupied until the associated business floor space in Unit 1 is fully fitted and capable of use; The occupation of the residential floor space shall be limited to a person solely or mainly working within the business floor space within Unit 1, their spouse (or partner) and to any resident dependants or relatives living together as a single family unit; The occupation of the business floor space of Unit 1 shall be limited to a person who resides in the residential floor space;
- (d) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) The business units hereby permitted shall be used only for those purposes defined within Class B1 of The Town and Country Planning (Use Classes) Order 1987 (as amended);
- (g) Between the hours of 08.00 - 18.00 Monday to Friday and 08.00 - 13.00 hours Saturday, noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time when measured at the façade of any residential premises. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable

period of not less than 10 minutes. At all other times, including Bank Holidays, noise emissions shall not be audible when so measured;

- (h) Prior to the commencement of any other works, the vehicular access onto/from the access road to the south of the site shall be permanently stopped up in accordance with details that shall first be submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be maintained as such;
- (i) No external lighting shall be provided on site without the prior approval of the Local Planning Authority;
- (j) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall thereafter not be used other than for the parking of vehicles in connection with the development hereby permitted.

#### **38/15/0104**

#### **Conversion of garage to single dwelling to the rear of 16 Victoria Street, Taunton**

- (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 5028\_03 Location Plan;
  - (A4) DrNo 5028\_04 Site Plan;
  - (A3) DrNo 5028\_05 Existing and Proposed Plan;
  - (A3) DrNo 5028\_06 Existing and Proposed Elevations;
- (c) Prior to the new wall construction commencing, details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) Lockable cycle and bin storage within the courtyard of the dwelling, as indicated on drawing No 5028\_05, shall be provided on site prior to occupation of the dwelling hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority;
- (e) Lockable cycle and bin storage for flats 2-5, 16 Victoria Street, as indicated on drawing number 5028\_05, shall be provided on site prior to any works

commencing, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority;

- (f) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any Order revoking and re-enacting the 2015 Order) (with or without modification), no window/dormer windows shall be installed in the development hereby permitted without the further grant of planning permission.

(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.)

**38/15/0127/LB**

**Conversion of 2 No. Flats into 1 No. dwelling with internal and external alterations at 52 Wood Street, Taunton (Retention of part works already undertaken)**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo J102/01 Survey Drawing;
  - (A3) DrNo J102/02C Proposed Floor Plan;
  - (A3) DrNo J102/03B Proposed Elevations and Section AA;
  - (A4) Block Plan;
- (c) The windows to the front elevation hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

**49/15/0022**

**Change of use and conversion of outbuilding to self-contained annex at Culverhead Lodge, Wiveliscombe**

- (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 5050\_02 Location Plan;

- (A4) DrNo 5050\_03 Site Plan;
- (A1) DrNo 5050\_01 Plans and Elevations (Existing and Proposed);

(c) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Culverhead Lodge.

(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 granted planning permission.)

**74. Erection of 5 No. three bedroom terrace houses and 1 No. two bedroom Maisonette with associated access to rear parking and turning areas on garden land to the south of Foxdown Lodge, Foxdown Hill, Wellington (43/15/0001)**

Reported this application

**Resolved** that subject to a revised layout plan based on a topographical survey correctly showing the boundaries, the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

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

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

- (A4) DrNo 1429/10/4 Location Plan;
- (A2) DrNo 1429/10/2 Elevations;
- (A1) DrNo 1429/10/3A Plans and Elevations;
- (A1) DrNo 1429/10/1A Site Layout Plan (Revised 01 May 2015);

(c) Prior to their installation samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;

(d) Prior to the commencement of the development hereby permitted full details of the proposed means for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall have regard to the drainage information submitted with

the application and shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be retained as such;

- (e) The area allocated for parking on the submitted plan drawing No. 1429/10/1A shall be provided prior to the occupation of the dwelling to which it relates and shall thereafter be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (f) Lockable cycle and bin storage shall be provided on site prior to the dwellings hereby approved being occupied in accordance with details to be agreed, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority;
- (g) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting the 2015 Order with or without modification), no addition or extension to the dwelling shall be carried out without the further grant of planning permission;
- (h) The windows to the staircase at first and second floor level to the southern side elevation shall be obscure glazed with a limited opening in accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority. The approved details shall be installed before the dwelling is used or occupied and shall remain in place at all times thereafter;
- (i) No development shall commence until details of the construction of the new section of highway have been submitted to, and agreed in writing by, the Local Planning Authority. The approved section of highway shall be constructed in accordance with the agreed details prior to the commencement of any other works on site and then after retained as such;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worded in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that agreement must be made with the Highway Authority regarding the enlargement of the highway.)

**75. E/0085/27/15 – Unauthorised residential caravan allegedly at Knapp Farm, Hillfarrance**

Reported that it had come to the attention of the Council that a mobile home located adjacent to the dwelling at Knapp Farm, Hillfarrance and previously the subject of an enforcement notice served in December 2013, had now been relocated to a position behind a newly constructed agricultural storage building on the land.

A site inspection had been undertaken and it was apparent that the mobile home continued to be used for residential accommodation. In the circumstances, further enforcement action was recommended.

**Resolved** that:-

- (1) An enforcement notice be served seeking the cessation of the residential use of the land at Knapp Farm, Hillfarrance and the removal from the land of the mobile home; and
- (2) Any enforcement notice served should have a two month compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

## **76. Appeals**

Reported that two new appeals and two decisions had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 6.17 p.m.)

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors, Coles D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Home Services Furniture Trust, Trustee to Bishop Foxes Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls

05/15/0014

MR R JACKSON

**ERECTION OF A CAR PORT TO FRONT OF COBWEBS, 18 GREAT MEAD, BISHOPS HULL (RETENTION OF WORKS ALREADY UNDERTAKEN)**

Location: COBWEBS, 18 GREAT MEAD, BISHOPS HULL, TAUNTON, TA1  
5HE

Grid Reference: 320554.124193

Retention of Building/Works etc.

---

**REPORT UPDATE**

At the planning committee meeting on 27 May 2015, Members considered this retrospective application for the erection of a car port and resolved that the application be deferred to enable the Area Planning Manager to negotiate with the applicant as to whether the colour of the car port could be changed so that it did not stand out so much.

A meeting has taken place with the applicants to explain the concerns of the committee and discuss possible solutions and amendments to address these. The applicants agreed to research whether the powder coated aluminium car port could be re-powder coated or painted. As a result of contacting companies who deal with powered coating, the applicants feel that the change of colour is not a viable option for them. They have also looked at the predominant colours of the area and feel that white is the most appropriate colour for the car port. It has therefore been agreed that the application be presented back to committee for members to consider the applicants submissions and determine the application.

Officers previously considered that the carport (as constructed) was acceptable and their professional opinion remains the same. Taking into account the applicants submissions regarding the change of colour and character of the area, the recommendation is to grant planning permission. A full copy of the original report and applicant's letter are attached below:

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

(A4) DrNo RJ-02 Proposed Elevations  
(A4) DrNo RJ-01 Existing Elevations  
(A4) Site Plan  
(A4) 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 imposed planning conditions to enable the grant of planning permission.
2. I would stress that this relates only to “planning”. It may be necessary for you to obtain approval under other legislation or requirements such as a covenant that may be in place.

## PROPOSAL

This proposal is for the erection of an attached car port with a projection of 3.4m to the side. The application is retrospective.

## SITE DESCRIPTION AND HISTORY

This is the site of a semi-detached bungalow of brick finish with tiles and white windows. This dwelling is on a raised level to the road on a residential cul-de-sac comprising bungalows and two-storey houses.

This dwelling has a detached single garage to the side with a driveway that can accommodate two vehicles. A car port that covers part of the driveway has been replaced and the height increased by approximately 800mm. It is this car port that is the subject of this application.

The application is being reported to committee as the applicants are related to a member of staff.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*BISHOPS HULL PARISH COUNCIL* - Objects

The car port is considered by reason of its form and appearance to be an unsympathetic and incongruous addition to the dwelling and out of character with and detrimental to the visual amenities of the area. Furthermore it could set a precedent for other similar proposals nearby, which would compound the situation.

### Representations

Two letters of SUPORT received.

- It has been erected to a very high standard
- It can be seen from our living room window and is not obtrusive

Three letters of OBJECTION from the same person raising the following issues:

- The design is not in keeping with the area.
- The carport projects in front of the building line.
- It is in an elevated position.
- Adverse visual effect from our living and dining areas.
- Parking a motor home conflicts with covenants.
- Concern that a precedent will be set.

## **PLANNING POLICIES**

H17 - TDBCLP - Extensions to Dwellings,

## **LOCAL FINANCE CONSIDERATIONS**

N/a

## **DETERMINING ISSUES AND CONSIDERATIONS**

The already erected car port is attached to the bungalow and as it is higher than the eaves, it requires planning permission. Saved Policy H17 allows extension to dwelling subject to meeting 3 criteria:

*H17 - Extensions to dwellings will be permitted provided they do not harm:*

*(A) the residential amenity of other dwellings;*

*(B) the future amenities, parking, turning space and other services of the dwelling to be extended; and*

*(C) the form and character of the dwelling and are subservient to it in scale and design.*

The carport does not have any adverse impact on residential amenity in terms of overlooking, loss of light or overbearing.

It does not result in any change to parking availability other than higher vehicles can park under the new car port than they could previously.

The main issue for consideration is the form and character of the dwelling and whether extension is subservient in scale and design. The flat roof carport is higher than the eaves of the existing bungalow which increases the visual impact and it could be said that it is not subservient in design. That said, it does have the appearance of a freestanding structure to the side of the dwelling rather than as an extension due to the change of materials. There is a single example of a flat roof garage that is higher than the eaves of a neighbouring bungalow and overall, it is considered that the car port does not result in a significant adverse harm to character of the dwelling and area.

The comments of the neighbours with regard to covenants on the development are noted, however this are a private matter that does not fall within the remit of considering a planning application. The concern of the Parish Council in terms of

precedent is noted, however each application should be considered on its own merits.

Having regard to the above matters, the proposed development is considered to be acceptable and therefore 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: Mrs P Hogg Tel: 01823 356371**

18 Great Mead  
Bishops Hull  
Taunton  
TA1 5HE

16 July 2015

Taunton Deane Borough Council  
Planning Services

Attention Mr B Kitching - Area Planning Manager

Your ref: 05/15/0014

Dear Mr Kitching

**Erection of a Carport to Front of Cobwebs, 18 Great Mead, Bishops Hull. (Retention of Works already undertaken).**

Thank you for meeting with us on the 15th June to discuss the Planning Committees suggestion that the car port could be painted a different colour - brown - as they considered that white was too bright.

At the meeting we discussed as to how we could pursue the change in colour and it was agreed that we would investigate this further.

It was also agreed that perhaps we should provide some evidence of other predominant colours e.g. conservatories / windows / doors etc. in the immediate neighbourhood that are visible from the public highway.

**Investigation Regarding Possible Change of Colour**

We have spoken to a number of companies who deal with powder coated materials and asked about the options of repainting the car port. The responses are as follows:

**Option 1** - Take down the car port - transport to powder coating specialist - repaint in different colour - transport back to site and re-erect.

Whilst we have not priced this option we have been advised that it would possibly be more cost effective to remove the existing car port and have a new one already powder coated to a new colour erected.

**Option 2** - Repaint in-situ by a specialist company, that would entail masking off all parts of the car port that were not be repainted, then erect a curtain system around the car port to create a 'mobile spray booth' in order to create a 'stable' environment to prepare and spray paint the structure.

This would mean that we may not possibly be able to use our front door, garden gate or garage during the process of painting as these would be within the controlled environment. Again we have not priced this option but would consider that it would be very costly to undertake particularly as our front door, garage door, windows, gutters and fascias would need to be masked off as they are all white.

### **Option 3 -**

Repaint in-situ by hand. This would entail a complete degreasing and wash down of the structure, masking off of all parts of the car port that were not to be repainted. Specialist paint would be required to include primers and top coats that would adhere to the existing powder coating surface.

We have been advised that whilst this could be done there is the distinct possibility that it would only last for up to 2 to 3 years with some areas of the paint peeling off whilst other areas may well remain, therefore repainting would need to be carried out on a regular basis. This would entail considerable work which we were hoping to avoid by choosing a powder coated aluminium car port to match the bungalow and reduce any future maintenance.

### **Neighbourhood Predominant Colours**

A number of photographs have been taken in Great Mead where the predominant colour is white.

**Photo 1** below, shows the frontage to No. 20 Great Mead including its conservatory, the conservatory to No. 25 Bakers Close and the car port to No. 18 Great Mead (with the motorhome parked underneath). These four elements including the motorhome provides a predominant white 'vista' at the head of the cul de sac.



**Photo 2** below, shows the frontage to No. 20 Great Mead with its fascia in the same vertical plane as the car port side fascia. The predominant colour again is white.



**Photo 3** below, shows the view towards No. 18 Great Mead with the motorhome removed. This shows the garage door, cladding above the garage door, garage fascia, bungalow fascia and guttering / downpipe, main entrance door and side window all in white.



Photo 4 - No. 30 Great Mead



Photo 5 - No. 8 Great Mead



Photo 6 - No. 26 Great Mead



Photo 7 - No. 36 Great Mead



Photo 8 - No. 5 Great Mead



Photo 9 - No. 5 Great Mead



Therefore, we would respectfully consider that the predominant colour of all additional structures including conservatories, existing windows, doors and rainwater goods to all of the properties in the area are white and that to consider repainting the car port brown would be detrimental to the overall street scene.

Yours Sincerely

Mr RK & Mrs HA Jackson



CTIL AND TELEFONICA 02 LTD

**REPLACEMENT OF TELECOMMUNICATION EQUIPMENT CONSISTING OF REMOVAL OF 2 No ANTENNA FROM GABLE ENDS OF BARN AND 2 No GROUND CABINETS AND THE INSTALLATION OF A 12.5M REPLICA TELEGRAPH POLE WITH 6 No SHROUDED ANTENNA, 2 No DISHES AND 2 No CABINETS PLUS ANCILLARY EQUIPMENT AT LONDON FARM, NEW ROAD, WEST BAGBOROUGH**

Location: LONDON FARM, NEW ROAD, WEST BAGBOROUGH, TAUNTON,  
TA4 3EP

Grid Reference: 315902.133093

Full Planning Permission

---

**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 100 Proposed Planning Maps  
(A3) DrNo 200 Existing Site Plan  
(A3) DrNo 201 Proposed Site Plan  
(A3) DrNo 301 Proposed Elevation  
(A4) DrNo 300 Existing Elevation

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

3. The telecommunications mast hereby permitted shall be finished in those materials specified in the application, namely brown timber effect GRP cladding, only. The mast shall be maintained to this finish in perpetuity and no other materials (excluding apparatus) shall be applied to the mast 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 Quantock Hills AONB and successfully assimilates within the surrounding landscape, in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy and Para 43 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 and has imposed planning conditions to enable the grant of planning permission.

### **PROPOSAL**

The application seeks planning permission for the installation of a 12.5 metre telecommunication mast with associated ancillary equipment at London Farm, West Bagborough.

The proposed mast will support six shrouded antenna and two dishes, with the addition of two ground mounted equipment cabinets sited beside the mast. The proposed mast will be finished externally with brown timber effect GRP cladding; the proposed equipment cabinets will be dark green in colour. The mast has a diameter of 350mm.

The proposals will be sited West of existing agricultural buildings sited within the yard at London Farm. Two existing building mounted antenna and two ground equipment cabinets will be removed from the site once the proposed mast becomes operational.

### **SITE DESCRIPTION AND HISTORY**

London Farm is located to the West of London Cross, off the approach road between the A358 and the village of Bagborough. The site contains a number of traditional stone and more modern portal frame agricultural buildings that are currently used for storage of agricultural paraphernalia; no livestock was present at the time of visiting the site.

The site is located at the foot of the Quantock Hills and abuts the boundary of the AONB. North of the location of the proposed mast, the site is bound by high level hedgerow and tree planting; to the East and Southeast are the agricultural buildings whilst open fields are to the South and West. In general fields to the South are bound by high level native hedgerows with sporadic tree planting within hedgerows.

Public Footpath T30/15 runs along an East-West access over a private track parallel to the Northern boundary. There are three residential properties within 275 metres of the application site, and these are located to the East and Southeast.

### **CONSULTATION AND REPRESENTATION RESPONSES**

## Consultees

*WEST BAGBOROUGH PARISH COUNCIL* - Object to the proposals for the following reasons:

This is not an upgrading of an existing facility. It is a completely new location. The initial pre-application referred to existing equipment in a position behind the existing large barn at London Farm. This application shows the mast in an entirely different location. The reason for the new position is that the proposed development of London Farm would mean the existing position would not be tenable. The proposed development of the London Farm site also includes the removal of all the existing farm buildings adjacent to the proposed new location. Thus, the mast will stand entirely on its own away from any buildings.

Whilst the Parish Council agreed with the original proposals they strongly object to the revised position and design because the impact on the visual amenity will be totally unacceptable in this prominent position. This site has previously been recognised as of great importance with regard to visual amenity. Visual amenity is recognised in:-

- *Section 6.70 of The Taunton Deane Local Plan states in regard to Large Telecommunications Masts: Visually prominent sites, particularly in AONBs are inappropriate;*
- *West Bagborough Village Design Statement 8.6 "The extensive views of surrounding hills are of paramount importance in maintaining the character of Bagborough."*

## *LANDSCAPE -*

The proposed structure will have more impact than the equipment presently on site.

However this impact is softened by existing trees on site and the fact that the Quantock hills provide a backdrop.

The equipment should be dark in colour, and some new landscaping would help to lessen the impact of the structure.

*THE QUANTOCK HILLS AONB SERVICE* - Objects to the proposed development for the following reasons:

1. A mobile phone mast with dishes and other associated infrastructure at the proposed location will be visually prominent. It will not conserve nor enhance the natural beauty of the Quantock Hills and is therefore contrary to the primary purpose of AONB designation.

Related policy:

Paragraph 109 of the NPPF clearly states that "The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes..." Paragraph 115 of the NPPF clearly states that "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty".

2. The 12.5 m pole in this visually exposed location will stand juxtaposed and awkward against the striking backdrop of the prominent wooded and farmed escarpment which so characteristically defines much of the AONBs south-facing hills.

Related documents:

Quantock Hills AONB Management Plan 2014-2019 states that “Pylons, masts and wind turbines are serious threats to the landscape of open areas, especially those like the Quantocks with a highly visible skyline – they change the landscape character from agricultural to industrial”.

Quantock Hills Management Plan 2014-2019 Objective D13: To protect the views in to and out of the AONB through involvement in the planning process”.

Paragraph 8.6 of The West Bagborough Village Design Statement (adopted by Taunton Deane Borough Council in 2000) states that “The extensive views of surrounding hills are of paramount importance in maintaining the character of Bagborough”.

3. The AONB Service believes that, regardless of the proposed wood-clad effect to the mast, the proposed structure would be visually detracting - at odds with the overtly rural setting that forms the immediate hinterland to this nationally protected and valued landscape. On entering the village of West Bagborough (along New Road from the A358) a cast iron sign (at the end of the track leading to London Farm which is also a public right of way) denotes that you are within an Area of Outstanding Natural Beauty and as such the expectation of landscape quality and visual amenity is high. An immediate view of mobile phone infrastructure is therefore contrary to this expectation.

4. Whilst falling just outside of the official AONB boundary, the impact of the mast in the proposed location would be no different than if the proposed installation sat just inside the AONB boundary so we ask that the ‘impacts’ of the structure be the focus and not the very precise details of the location.

Related legislation:

Section 85 of the Countryside and Rights of Way Act 2000 states that relevant authorities have a statutory duty to have regard to AONB purposes. Natural England notes that “The duty applies primarily to ‘relevant authorities’ operating within the boundaries of an AONB or National Park. In some cases however the activities of authorities operating outside these protected landscapes may have an impact within them and, in such circumstances, the duty still applies”.

Additional comments:

The existing antennas are discreet and attached to a farm building. This proposal is for a free standing mast in a different location that will have an overt presence in the landscape. We do not therefore consider this to be a replacement of the existing equipment as its appearance is markedly different and its visual impact significantly greater.

The AONB Service notes the comments from Taunton Deane’s Landscape Officer. We presume these are preliminary and will be added to as they do not appear to

provide enough detail given the visually vulnerable nature of the location.

Has the Applicant provided evidence of predicted landscape effects or some visuals/photomontages? A simple wireframe diagram does not seem to be sufficient for such a sensitive site.

The Quantock Hills AONB is afforded the highest level of landscape protection because it is one of England's finest landscapes (and the first English AONB to be designated – confirmed in 1957). With this in mind we believe a 12.5m mobile phone mast, in this open and very visible location, right on the edge of the nationally protected landscape should not be granted permission as it would be contrary to policy from the national to local level.

The AONB Service believes there must be many less sensitive sites that should be considered ahead of the proposed location at London Farm and request that this be put to the Applicant.

## **Representations**

**Cllr J Warmington** - Objects to the proposed development for the following reasons:

- The replacement of unobtrusive small structure on top of buildings will feature prominently as a much taller stand alone mast only metres from the AONB boundary;
- Concern over siting has been raised by the Parish Council, neighbours and residents;
- There is a better example of a disguised mast at Weddon Cross which affords good communication whilst not broadcasting its presence;
- Improved communications are essential in rural areas but better consideration of siting of location and design required if they are not to intrude;
- Support the comments of the Parish Council and residents in that this is not the best place to site it nor of a design sufficient to make it blend in.

**CPRE Somerset** - Object to the proposed development:

The existing antennas, attached to a farm building are barely visible. This proposal is for a free standing, much, higher mast in a different location that will be prominent in the landscape. Furthermore as it is proposed to remove the buildings at London Farm (see Parish Council response), the mast will not be associated with other buildings making it more visually intrusive in the landscape. I do not therefore consider this to be merely a replacement of the existing equipment as its appearance is markedly different and its visual impact significantly greater. It will be seen from the approach road to the village, as well as from the footpath following the AONB boundary and the West Deane Way to the north. It is only a few yards from the AONB boundary so will have a detrimental impact on views into and out of the AONB, thus having a damaging effect on the natural beauty of this nationally protected landscape.

It is in clear conflict with all policies which give the highest level of protection to the landscape of AONBs:

Taunton Deane's own Local Plan states that telecommunication masts in visually prominent positions, particularly in AONBs are inappropriate. While the National Policy Planning Framework states: *'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty....'*

CPRE Somerset strongly urges Taunton Deane Borough Council to be mindful of its own policy, national policy guidance and of its duty to have regard to the protection and enhancement of the landscape and natural beauty of the Quantock Hills AONB and so refuse this inappropriate application.

**Friends of the Quantocks** - Para 115 of the NPPF gives great weight to the conservation of landscape and scenic beauty in AONBs and the Council is under a statutory duty pursuant to Section 85 of the Countryside and Rights of Way Act to have regard to their planning powers to the purposes of the AONB. Section 85 and the NPPG gives a high level of protect to the AONB but not to proposals outside but which will affect the AONB. Local Plan Policy C14 requires the siting of a mast not to harm the landscape and the applicant must demonstrate that no alternative sites are available. This has not been adopted here. Answer to Q6 is wrong and appears to have been copied from a different application. Proposal is not an upgrade but replacement of inconspicuous apparatus attached to the side of a building with a free standing mast of much greater height. The implications are very different and no justification for the failure to comply with policy provided. No justification for restricting the site search to land ownership. The applicants need to demonstrate that no other suitable site further from the AONB are available. They need to demonstrate that a tree solution would not reduce the impact.

14 Letters of **OBJECTION** received from members of the public making the following planning related matters:

- The position of the mast will be very prominent and have a huge visual impact.
- It will be seen from the A358 and seen by many visiting tourists travelling on this road;
- It will be unsightly to residents of the village;
- The existing mast is not visible; other buildings and street furniture have been kept to a minimum to preserve West Bagboroughs rural setting.
- This is not an upgrade of existing equipment;
- The mast will stand in isolation against the Quantock Hills, significantly impacting on views to the hills from the main access road to the village, contrary to Village Design Statement;
- The proposals will not be the same height as existing antennas;
- Any screening that the adjacent tree would provide is not permanent as it is deciduous, therefore exposing the mast for 6 months of the year;
- Concerned that the applicants have not considered alternative locations; due consideration has not been given to the impact upon local area and views of the Quantock Hills AONB;

- On approaching the Quantock Hills from any direction, a structure of this type would be out of character;
- Proposal may dissuade potential visitors to the area;
- The AONB should not be a backdrop to such a dominant structure;
- Concerned over safety of nearby houses and footpath users;
- Is there an application to remove the barn as well? This would make it worse;
- Is the plan showing a tree as a back drop a true representation?
- Two dishes midway up the pole will make it stand out from its natural surroundings;
- Just a hedgerow would separate the mast from the footpath which leads to the Quantock Hills. Concerned over health and safety;
- There is nothing proposed to lessen the visual impact of the mast on the surrounding visual amenity;
- Unclear how a 42 foot mast can be unobtrusive;
- A fake tree mast would be just as ridiculous as not seen many trees that sprout dishes!
- Mast is similar in height and diameter to that installed at Norton Manor Camp;
- Local Plan states that visually prominent sites, especially within AONBs are inappropriate;
- If this proceeds there is no guarantee that future upgrades will not take place, with extra dishes, antennae and a greater height;
- We believe we are right in stating that phone masts of this type would not be allowed to be installed anywhere within 99 sq km of the Quantock Hills AONB; this is just 3 metres outside.

## **PLANNING POLICIES**

CP7 - TD CORE STRATEGY - INFRASTRUCTURE,  
 CP8 - CP 8 ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 NPPF - National Planning Policy Framework,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider are the planning policy framework together with the impact of the proposed telecommunications mast and associated equipment upon the character and appearance of the landscape, having regard also to the adjoining Quantock Hills AONB.

### Planning Policy

The Taunton Deane Core Strategy and National Planning Policy Framework (NPPF) provide the planning policy framework for the determination of new telecommunication developments.

With regard to telecommunication developments, Policy DM1 (H.i) of the Core Strategy states that developments must be sensitively designed and sited to minimise environmental and amenity impacts. It also requires alternative sites or solutions with less impact to be considered and demonstrated not to exist, with

evidence provided that facilities cannot be shared.

Para 43 of the NPPF states that LPA's should support the expansion of electronic communication networks; they should aim to keep the number of radios and masts to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless a new site can be justified. Where a new site is required equipment should be sympathetically designed and camouflaged where appropriate.

Para 44 of the NPPF states that LPAs should not place a blanket ban or overzealous restrictions on telecommunications development over a wide area and that they should ensure evidence is provided to demonstrate interference with other electrical equipment, air traffic services or instruments operated in the national interest does not occur; that they consider the possibility of interference with broadcast and telecommunications services. Para 45 requires a developer to provide evidence that alternative options have been explored and that when operational, International Commission guidelines are met.

Turning to the protection of the natural environment, in particular landscape character, DM1 (d) requires development not to unacceptably harm the character and appearance of any affected landscape. This policy approach is further supported by the general thrust of Core Strategy Policy CP8.

Para 109 of the NPPF states that the planning system should protect and enhance valued landscapes;. It goes on at Para 115 to state that:

*"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."*

With regard to public health and safety, policy provides protection through Core Strategy Policy DM1 together with guidance contained within Section 5 of the NPPF.

## Assessment of Development Impact

### *Landscape Impact*

The most pertinent issue relating to the proposed mast is its perceived impact upon landscape character, particularly the setting of the Quantock Hills AONB.

The application has received a relatively high level of public response, all of which objects is opposed to the proposed development. In addition, the AONB Service, CPRE and Quantock Hills action group 'Friends of Quantock' also object to the proposals. Nearly all of the issues raised relate to the impact of the proposed telecommunications mast upon the Quantock Hills AONB, the boundary of which immediately adjoins the application site to the North. The proposed mast and ancillary equipment will be sited within five metres of the AONB.

The application has been described as a replacement scheme, due to the proposed removal of two existing antennae from nearby agricultural buildings; these antennae

are much smaller and of a lesser height than the proposed mast and visually they cannot be detected on the buildings from a distance. It is acknowledged that the replacement of these small antennae with a larger mast is a significantly different proposition in landscape impact terms.

With regard to visual impact, the occasional glimpse of the site and its agricultural buildings can be had from a small number of points along the highway that leads of the A358 towards West Bagborough. In general, the high level hedgerow that abuts the highway acts as a visual screen when with foliage. Between late autumn, winter and early spring when foliage is not present the site will be more visible from the highway however the proposed timber effect cladding to the mast will still enable assimilation with these the planting.

When glimpsed from along the highway, the application site can be seen sitting at the base of the Quantock Hills which rise to the North, reaching well above the maximum height of the proposed mast. Timber telegraph poles are seen within views of the site from the highway, where they are sited across fields to the South of the site and the proposed mast, whilst taller, would have a similar appearance to these. As a consequence of these matters, the mast would not break the skyline, but instead it would be seen surrounded by trees to the North, some of which are comparable in height to the 12.5m mast, together with the large agricultural buildings. Whilst of a rural character, the agricultural building present on the site are of an industrial scale and already affect the appearance of this area of the landscape, and impede views of the AONB to the North.

Visually, the proposed mast will not constitute a stand alone structure within the site or wider landscape, virtue mainly of its close siting to retained agricultural buildings. Few vantage points from public highways or footpaths are available within the wider landscape and from a distance the mast would be even less conspicuous than if seen from the approach road to the village. None of the comments received note the proposed finish to the mast, which will be of a brown timber effect GRP cladding; it will not, therefore, have the appearance of a street lighting column similar to that found at Norton Manor Camp. The proposed finished appearance is a design feature that attempts to minimise the visual impact of the mast, such as is required by Policy DM1 (H.i) and Para 43 of the NPPF.

Whilst the concerns raised by the public and consuler's have been considered, they conflict directly with the opinion of the Council's Landscape Officer, who considers the impact of the proposed mast to be acceptable. Although additional landscaping is suggested, such would be unlikely to provide a benefit to screening the mast for a number of years. Without additional planting around the mast, the impact is considered to be acceptable.

To conclude, the visual impact of the proposed development is considered to be acceptable. For the reasons outlined above, its impact upon the surrounding landscape and the adjoining Quantock Hills AONB is acceptable and no significant harm can be attributed to the proposed development.

### Other Matters

Issue has been taken to the level of evidence provided with the application,



demonstrating whether alternative, more suitable and less sensitive sites have been investigated. Both the Core Strategy and NPPF state that evidence of alternative sites should be provided and the application is therefore in conflict with this policy and guidance. In this instance, the applicant relies on the presence of existing telecommunication equipment as reason not to search for alternative sites.

In addition, reasoning is focused on the primary aim of the proposed mast, which is to improve the network coverage for the village of West Bagborough, by providing a 3G and 4G network. To do this a new mast is required; it will be shared with the mobile network providers Vodafone and O2, thereby reducing the need for a further mast in the area. It is generally well designed, as described above, in order to minimise its landscape impact. Notwithstanding the lack of evidence over alternative sites, it needs to be acknowledged that if the mast is required to serve the West Bagborough area, it stands to reason that it must be sited within a suitable distance of the settlement and its catchment to serve its function. Due to the location of the settlement within the AONB, which covers a significant area of land, it is unlikely that any other suitable sites would be available in less sensitive settings that would also provide the enhanced network coverage.

Taking the above points into consideration, the under provision of evidence can, on this occasion, be accepted due to other mitigating factors and the fact that the landscape impact of the mast is considered to be acceptable.

Finally, concerns of public health and safety have been mentioned in representations. There are only three dwellings nearby together with the public footpath; it is understood that the proposed mast will accord with International Commission guidelines and necessary license requirements regarding public health and safety. There does not appear to be any material evidence available to resist the proposed mast on health and safety grounds.

## Conclusions

Notwithstanding the objections received in relation to the impact of the proposed telecommunications mast upon the Quantock Hills AONB and landscape character in general, the proposed mast is considered to be of a scale, design, siting and finished appearance that will not result in an unacceptable level of harm to the scenic beauty of the area. The mast relates to existing buildings and structures within the area, will be of an appropriate design and finish and its visual impact will be softened by the presence of trees and hedgerows within the site and wider landscape.

Despite a lack of evidence to rule out other appropriate and less sensitive sites, this is considered to be an appropriate location for the proposed mast, which will benefit the rural community and local businesses by enhancing access to modern telecommunication networks.

Taking the above matters into consideration, the proposed development is considered to accord with local and national planning policy and 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**

TAUNTON DEANE BOROUGH COUNCIL

**DEMOLITION OF PUBLIC HOUSE, PUBLIC TOILETS AND 10 No. PREFAB CONCRETE (PRC) COUNCIL HOUSES AND ERECTION OF 26 No. DWELLINGS (12 No. 1 BED, 9 No. 2 BED, 4 No. 3 BED AND 1 No. 4 BED) WITH ASSOCIATED PARKING AND LANDSCAPING ON LAND AT THE WEAVERS ARMS AND OAKEN GROUND, ROCKWELL GREEN, WELLINGTON**

Location: WEAVERS ARMS, 102 ROCKWELL GREEN, WELLINGTON, TA21 9BY

Grid Reference: 312603.120271

Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Subject to –

- A) The applicant entering into a S106 agreement to secure 25% of the dwellings as affordable housing and a contribution of £12,264 towards children's play facilities.

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 3456/PL16 Proposed Possible Photovoltaic Positions in Elevation

(A1) DrNo 3456/PL15 Proposed Possible Photovoltaic Roof Plan

(A1) DrNo 3456/PL14 Rev G Proposed Boundary Treatment

(A1) DrNo 3456/PL13 rev E Proposed Site Levels

(A1) DrNo 3456/PL12 Topographical Survey

(A1) DrNo 3456/PL11 Proposed Street Scenes

(A1) DrNo 3456/PL10 Proposed Bungalows (Plots 24, 25 & 26)

(A1) DrNo 3456/PL09 Proposed Plots 22 & 23

(A1) DrNo 3456/PL08 Proposed Plots 20 & 21

(A1) DrNo 3456/PL07 Proposed Plots 18 & 19

- (A1) DrNo 3456/PL06 Proposed Plots 16 & 17
- (A1) DrNo 3456/PL05 Proposed Plots 14 & 15
- (A1) DrNo 3456/PL04 Proposed Plots 9-13 (4 Bed House & Flats)
- (A1) DrNo 3456/PL03 Proposed Plots 1-8 (Flats)
- (A1) DrNo 3456/PL02 Rev G Proposed Site Plan
- (A1) DrNo 3456/PL01 - Location & Block Plan

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

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

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

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

5. Prior to its implementation, full details of the proposed western boundary treatment to plots 18-23 and plot 26 shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the plots to which they relate and shall thereafter be maintained as such.

Reason: In the interests of the amenities of neighbouring residents.

6. The developer shall undertake all the recommendations made in The Bat

Consultancy's Bat Survey report dated June 2015 and provide mitigation for bats as recommended.

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

The development shall not be occupied until the scheme for the maintenance and provision of the new bat roosts and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To ensure that the Favourable Conservation Status of Bats is maintained.

7. The surface water and foul drainage strategy shown on Hydrock drawing C151169-C001 rev B contained in the Drainage Strategy Statement shall be fully implemented prior to the occupation of any of the dwellings hereby permitted and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent any increase in off-site flood risk.

8. Prior to the occupation of the dwellings to which they relate, the parking spaces shown on the plans hereby permitted shall be laid out, surfaced and made available for use by the property to which it relates and shall thereafter be maintained as such.

Reason: To ensure that adequate parking provision is made for the traffic likely to be attracted to the site.

9. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over both the entire eastern and northern site boundaries frontages. Such visibility splays shall be fully provided before any dwelling hereby permitted is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of Highway Safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no fences, gates walls or other means of enclosure shall be erected forward of the front elevation or side flank wall of exposed corner plots of the dwellings hereby permitted other than that expressly authorised by this permission without the

further grant of planning permission.

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

10. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of a line drawn 2.4m back from the nearside carriageway edge on the centre line of the proposed access located adjacent to the junction of Oaken Ground with The Well and extending to a point on the nearside carriageway edge 25m on both sides of the proposed access. Such visibility shall be fully provided before any dwelling hereby approved is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of Highway Safety.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. 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.  
  
Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).
3. The western boundary to plots 18-26 contains a number of established trees and shrubs which provide a high level of amenity to the neighbouring residents. It would be beneficial to retain as much of this vegetation as possible and details should be included in the landscaping scheme.

#### **PROPOSAL**

This application seeks full planning permission for the erection of 26 dwellings on land at Oaken Ground, Rockwell Green.

On the south west corner of the site, 8 one-bedroomed flats are proposed in a single two-storey block wrapping around the corner of Oaken Ground and Popes Lane, the main road through Rockwell Green. Parking would be provided to the rear. The dwellings would be set back slightly from the pavement edge behind a metal fence.

On the south east corner, would be 4 more one-bedroom flats, attached to a 4-bedroom dwelling facing the length of Oaken Ground that runs north towards Northside.

10 no. 2 and 3 bedroom semi-detached then extend to the north, all facing Oaken

Ground. At the southern end, parking is provided alongside the dwellings, to the north, it is provided to the front.

On the northern part of the site, fronting Northside, 3no. disabled adapted bungalows would be provided. Parking spaces would be provided to the north of these including 5 visitor spaces which the applicant has stated could be used by other, existing, local residents on a first come-first served basis.

## **SITE DESCRIPTION AND HISTORY**

The site currently comprises the Weavers Arms public house, 10 Taunton Deane owned dwellings and a disused public toilet block. The public house sits on the corner of Oaken Ground and Popes Lane and has a small parking area/beer garden to the rear. Adjoining this to the south (fronting Oaken Ground) is a small parking area, public toilet block and electricity sub-station.

The 10 existing dwellings occupy the eastern part of the site, running along the western side of Oaken Ground. The dwellings are two storey semi-detached and set back from the road frontage which is characteristic of the area as a whole. To the north, a hedgerow forms the boundary with Northside, a wide cul-de-sac which leads to a pedestrian access back through to Popes Lane. There are 4 bungalows on the opposite side of Northside.

Off the northwest corner, a row of 4 terraced two-storey cottages face the site, separated by a footpath that gives access to the dwellings. The front elevations are approximately 2m from the site boundary, separated by a footpath that gives access to these dwellings and their detached private gardens beyond. These private gardens extend to the south along the western side of the application site, separated from it by a mix of timber and wire fences and established garden planting.

A number of other buildings back onto the western boundary of the site, including the gable end wall of another row of cottages accessed from Popes Lane.

There is no relevant planning history to this site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

SCC - TRANSPORT DEVELOPMENT GROUP – Comment as follows:

#### Traffic Impact Comments

The traffic impact of the development will be limited although the proposed parking level is below the optimum provision stated in the SCC Parking Strategy. However, the proposed development is largely compliant with policy. The main points being:-

Access to part of the development will be via the existing pub access between Popes Lane and Oaken Ground, 14 car parking spaces will be provided in this south western corner of the development. There will also be access to individual

properties on Oaken Ground and on Northside.

- The application proposes to provide 46 parking spaces, SCC Parking Strategy states that for a residential development of this size would need to provide 49 car parking spaces with 6 additional visitor spaces. However, it is not considered that this would cause a highway safety issue as the highway is wide and parking currently appears to occur in this area.
- 14 cycle spaces will be provided at the south western corner and in individual sheds within the individual property curtilage.
- Turning space is sufficient within the car park in the southwest of the development with a minimum of 6m provided to reverse into.
- Pedestrian facilities will be provided via the in situ pedestrian infrastructure on Oaken Ground. Manual for Streets suggests a minimum of 2m unobstructed width should be provided for pedestrian footways.
- The development is in a sustainable location with bus stops located within 150m of the site on Popes Lane running services to, Taunton, Wellington and Bridgwater.

#### Flood Risk Assessment Comments

To response to the Drainage Strategy Statement, Ref. R/152269/003.02 dated May 2015, prepared by Messrs Hydrock Consultants Ltd and submitted in support of the above proposals. I would comment on the contents and conclusions in this report as they relate to existing and prospective public highway areas as follows:

It is evident that existing hard-standing areas within the development land discharge run-off out onto the public highway (Oaken Ground) and the redevelopment provides the opportunity to prevent such discharge happening in the future, thereby ensuring that the existing highway drainage system will correctly serve to collect run-off from the highway only. As such all driveways and parking areas should be designed so as not to discharge run-off towards the highway and it may therefore be necessary to install interceptor drainage.

The report suggests that it may be appropriate to use permeable paving for some vehicular areas and if so the designer needs to ensure that such areas are designed so they do not compromise the structural integrity of any adjacent public highway areas and also be set with levels that fall away from the highway.

It is noted that a storage tank is proposed to be located in the frontage of Plots 20-23 adjacent to the back edge of the footway running along the western side of Oaken Ground. It is imperative that this storage tank is watertight such that it will not introduce water into the ground adjacent to the structure of the public highway. Further, the design and positioning of the tank should be such that any future excavations within the public highway do not increase the risk of compromising the structural integrity of the tank or its watertight surround.

#### Travel Plan Comments



A detailed TPS has been submitted. The site is located within easy reach of local facilities and amenities and good bus links. There are only a few issues (most of which are minor) that need to be addressed:, these being:-

- Electric vehicle charging points have not been included
- The Travel Information Pack and the Residential Travel vouchers should be provided up to 3 tenures within the first 5 years of the development.
- Further details are required regarding cycle and motorcycle parking.
- The amount of time and budget that will be given to the TPC in order to fulfil their role needs to be stated in the TPS.

### Summary

In light of the above, the Highway Authority does not consider there to be any grounds to recommend refusal of the application on either traffic impact grounds or highway safety, subject to minor changes to the TP as detailed above, confirmation that the comments made on FRA have been taken on board by the developer and confirmation that a 2m footway is to be provided on both Oaken Ground site frontages as this is not clear from the submitted plans I have available.

It will be also be necessary to provide a 2.4m deep parallel visibility splay across the same site frontages (measured from the carriageway edge) with no obstructions to visibility in this area greater than 900mm above adjoin road level and this should be shown on amended plan along with the aforementioned 2m footway.

The applicant should also be advised that a Section 278 Agreement will be required to enable the construction of the new widened footway as well as the multitude of new access points to be formed and any dropped kerbs no longer required to be replaced with full height kerbs as considered appropriate by the Highway Authority (and any other ancillary works such as drainage etc...) – this being the subject of a suitably worded negatively planning condition which can be provided at a later time once the issues raised above have been dealt with satisfactorily and approved by the Highway Authority as part of a final consultation response.

Subsequent to this formal response, the highway authority have confirmed that the existing 1.8m wide footway is sufficient and that amendments to the travel plan are not necessary given that the increase in dwellings is only 16.

In light of concerns raised by local residents and the Town Council, the Highway Authority have been asked to comment on the potential displacement of existing on-street parking provision. They have commented as follows:

“I think we have made our views clear on the parking to be provided as part of the new development (i.e. that 55 spaces is sufficient in this case). I have also checked our road records and the area I think you are referring to forms part of the adopted public highway and such any parking that occurs at the present time is on informal / ad hoc basis only and subject to change at any time.

With regard to any wider issues associated with on street parking that may or may

not exist elsewhere, I believe it would be unreasonable to attribute these in some way to the proposed development firstly because the parking level proposed meets the appropriate requirement set out in our parking strategy and secondly that any existing residents in the vicinity of the application site (without off street parking being available to them) would themselves need to ensure that when they park their vehicles, they do so in safe manner having regard to the highway code, any other relevant legislation and any parking restrictions (eg Traffic Regulation Orders) that are in place”.

*WELLINGTON TOWN COUNCIL* - Councillors discussed the layout of the development, resident amenity space and impact on the area. Concerns around traffic and parking in the area were raised.

Recommend that permission be granted subject to properties with the in-line parking spaces have their parking re-distributed to prevent overcrowding and parking on the road.

*WESSEX WATER* - The applicant has undertaken pre planning discussions with Wessex Water with the submission in general conformity with our requirements;

separate systems of on-site drainage with existing sewers re-used or sealed as

appropriate. Detail to be agreed with Wessex Water through Water Industry Act mechanisms.

*HOUSING ENABLING* - Supports the application as the development will provide a wide range of affordable homes reaching 'lifetime homes' principles to meet the current housing need.

The affordable housing should meet at least Code for Sustainable Homes Level 3, or meet any subsequent standard which may supersede at the date of approval of the full application or reserved matters application.

*BIODIVERSITY* – The Bat Consultancy carried out an Extended Phase 1 Habitat Survey of the site in January 2015.  
Findings of the report are as follows

#### Birds -

A single bird's carcass was found within the loft of property no 4 and signs of an old nest that had been removed from the external corner of the same building.  
Vegetation throughout the site holds some suitability for nesting bird species  
I support the recommendation to carry out an inspection for active bird nests prior to any vegetation clearance and demolition, if works are carried out between March and September.

## Reptiles .

Habitats present within the site were considered to be of limited value for reptiles. However I support the proposal to carry out precautionary management. Grass and stump clearance should be carried out under the supervision of an ecologist

## Amphibians .

Frogs and toads may be present beneath garden sheds. The proposal is to capture and remove any amphibians from the site under the supervision of an ecologist

## Badger .

The surveyor did not find any signs of badger on site

## Bats

The buildings did hold some features that may be used by roosting bats, however evidence of bats was not observed during the internal and external inspection of the buildings in January. I agree that bats can be well hidden in the winter months so I support the recommendation to carry out a summer surveys. These surveys should be carried out now May to September.

Further to previous comments, a further bat survey has been undertaken by the Bat Consultancy in June 2015.

Two common pipistrelle roosts of 1-2 bats were found behind the fascia and behind the window frame of building 9/10.

In addition a common pipistrelle bat was thought to emerge from building 7/8.

I agree that an EPS licence is required to demolish the buildings. Demolition should take place between September to November following exclusion of bats from the properties. I support the proposed mitigation. A bat box should be erected on site prior to demolition. The construction of the NW property which will contain the new bat roosting features should be complete by the month of May in the following year

*LEISURE DEVELOPMENT* – In accordance with Local Plan Policy C4, provision for play should be made for the residents of these dwellings.

An off-site contribution of £3,066 for each additional 2 bed+ dwelling should be made towards to the provision of children's play. The contribution to be spent on play equipment, within the vicinity of the development.

A contribution to public art should be requested, by commissioning and integrating public art into the design of the buildings and the public realm.

*SCC - FLOOD RISK MANAGER* - The approach to reduce runoff from this brownfield site is welcome and given the confined nature of the site, the proposals for attenuation on site are acceptable.

The surface water drainage system appears suitable for adoption by Wessex Water and confirmation that they are willing to adopt should be sought.

If it is not to be adopted by WW a maintenance plan, for the life of the development, will be required.

*SCC – ARCHAEOLOGY* 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.

## **Representations**

Ward Councillor (Cllr J Reed): While appreciating that this build will provide much needed housing I do think we need to be aware that we do not create problems for resident home owners in the area. For example car parking for three bungalows and their visitors does not really require eleven spaces.

Some of these spaces should be available for home owning residents who otherwise will have nowhere to park. Also could one less bungalow be built in the row of three that back on to 87 Rockwell Green as it is far too near their boundary and looks like could be an invasion of privacy.

## **8 letters of OBJECTION**

- The proposed parking for the bungalows leaves an unsatisfactory arrangement for existing residents.
- The residents of Popes Lane have nowhere to park due to double yellow lines. They park around Oaken Ground and this provision will be removed by the development. Quality of life for existing residents will be reduced as a consequence.
- The cul-de-sac of Northside is used by 7 existing dwellings with no parking provision. This currently generates a need for 10 cars which would be left with nowhere to park. Allotment holders also use this area for parking during the day. This parking has been available to local residents for over 20 years.
- The area for the bungalows should become a public car park to alleviate the existing problems reduce congestion on Popes Lane to allow the bus service to continue. 1 less bungalow would alleviate many problems.
- The proposed off-street parking will remove existing on-street parking for the residents opposite.
- People already park on pavements in the locality causing obstructions for pedestrians including children accessing the school.
- Congestion is extreme and there is traffic mayhem at school times.
- The gardens for 84-87 Rockwell Green would become unusable during the build process. It is unclear where the boundaries to these properties would be.
- The development will be overbearing on 84-87 Rockwell Green – the boundary fence will reduce light into living rooms, the new dwellings would be

too close the boundary.

- The development would be unacceptably overbearing on 87 Rockwell Green. The proposed boundary fence would prevent maintenance of a 250 year old shed, which is continuously required.
- The development would result in the loss of the wildlife corridor along the western site boundary.
- Only 16 properties would be gained, and 12 of these would be 1 bed flats. It would cheaper to replace the exterior of the existing properties in brick.
- Renovations carried out 10 years ago are a waste of money if the existing properties are really in such poor condition.
- More time is needed to find alternative accommodation.
- No compensation is being offered for the inconvenience, disruption and dust that will be caused during development.

2 letters of concern

- Query whether any parking spaces would be allocated to the existing dwellings 84-87 Rockwell Green.
- The proposed tandem parking arrangements will encourage parking on the street and car shuffling – parking should be provided along the entire frontage instead.

## **PLANNING POLICIES**

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,  
CP4 - TD CORE STRATEGY - HOUSING,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP3 - TD CORE STRATEGY REALISING THE VISION FOR WELLINGTON,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

### Community Infrastructure Levy

The application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

### New Homes Bonus

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)	£21,745
Somerset County Council (Upper Tier Authority)	£5,436

#### *6 Year Payment*

Taunton Deane Borough Council (Lower Tier Authority)	£130,471
Somerset County Council (Upper Tier Authority)	£32,618

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit for Wellington and is, therefore, acceptable in principle. The site will be providing 100% affordable housing, although to ensure continued policy compliance and safeguard the Local Planning Authority's interests in the event that the site were sold to a third party, a S106 agreement is required to secure 25% of the dwellings as affordable. The development will result in the loss of a public house, but such provision still exists within Rockwell Green so this is considered to be acceptable.

The main issues in the consideration of the application are the impact on the character and visual amenity of the area, the impact on the highway network, the impact upon neighbouring property and the impact on wildlife.

### Character and visual amenity

The area has a varied character. The main road through Rockwell Green contains a mix of 2 and 3 storey dwellings with limited set back from the highway. The proposed treatment of the corner site is considered to respect this character and will integrate well into the street scene. It is likely to provide a visual improvement over the somewhat ad-hoc arrangement of parking, hard landscaping and toilet block that is currently on the site. Being set close to the back edge of the footway, it will be more imposing than the existing public house, but this will not be detrimental to the character of the area.

Moving to the eastern part of the site, the existing character of the area is strongly of two-storey dwellings, set back from the highway. The set-back will be reduced slightly from that of the existing dwellings and across the frontages of the dwellings, running up Oaken Ground, 800mm railings will be provided to define the private space of the dwellings. This will be a change to the character of the area from the current completely open plan nature. However, railings are not completely solid and are considered to complement the design of the proposed development, they will not be intrusive in the street scene and will be acceptable.

It is recommended that restrictions on permitted development rights for fences and enclosures are imposed in order to maintain the openness, high quality and uniformity of the railings proposed.

The proposed dwellings will be finished in a mix of brick and render under tiled roofs which is representative of many of the surrounding dwellings. Final details should be approved by condition.

### Highways

The proposed development will provide 55 parking spaces, which includes 9 visitor spaces. This complies with the County Council's optimum parking standards and as

Local Highway Authority, they have confirmed that this is acceptable. Some concern has been raised regarding the level of parking provision, especially given that the road gives access to Rockwell Green Primary School. However, in light of the Highway Authority's comments this is not a highway safety concern in this case and the parking provision is considered to be appropriate.

The main area of concern for local residents, particularly 84-87 Rockwell Green, off the northwestern corner of the development, is the loss of their existing ability to park on the street outside their homes. At present, approximately 10 cars are parked in this location on a regular basis. The Highway Authority have been asked to comment on the implications of the displacement of these parked vehicles to other locations on the highway network but have stated that they have no concern about this. The issue, then, is not one of highway safety but of inconvenience to the existing residents. It is not clear where the closest parking provision will be, but it is likely to be some distance from these dwellings. That said, nobody has a right to park on the public highway, so it is difficult to attach significant weight to this. Furthermore, at the present time, 10 cars can only be accommodated because they park end-on, partly on the footway. Whilst this practice appears to have been going on for many years it is, strictly speaking, illegal. This further reduces the weight that can be attributed to the displacement or loss of this parking.

On this matter, the applicant has stated that the 5 visitor spaces proposed on the site in this location will be available to the existing residents on a first come-first served basis, although it is not possible to safeguard this through planning conditions and relies upon the goodwill of the land owner to allow this practice to continue.

The proposed access to the parking area for the flats will provide adequate visibility and visibility at the junction of Oaken Ground and Popes Lane will not be restricted by the development which will be built closer to this junction than the existing buildings.

In light of the above, the impact on the highway network is considered to be acceptable.

### Neighbouring property

The flats in the southeast corner will have a close relationship with the adjoining dwellings to the north. The closest dwelling does not appear to have any rear garden and has windows looking directly out over the proposed parking area. It will, therefore, be subject to noise and disturbance of people visiting the site. However, it is not considered that this would be significantly worse than if the public house use continued and it is considered to be acceptable. Garden areas lie to the north of the car park area and these would not be unacceptably overlooked by the new flats which would be a minimum of 18m from the boundary.

The dwellings on the eastern part of the site would have rear gardens backing onto existing property to the west, much the same as in the current configuration. Whilst there will be some intensification of the number of dwellings here, it is not considered that this would cause unacceptable harm to the amenities of the adjoining residents. At the north end of the site, the private gardens of 84-87

Rockwell Green extend along the site boundary. There is currently a large amount of established planting along here, which provides a pleasant green environment for these small gardens. The proposals indicate the provision of a 1.8m timber fence along this boundary and it is not clear whether the trees and vegetation can be retained. That said, there is nothing to prevent the removal of the vegetation now, as the trees are not worthy of Tree Preservation Orders. The proposals will prevent overlooking, of the gardens and are acceptable. That said, the applicant has agreed to consider this boundary in greater detail, so a condition is recommended to this end. The retention of planting or provision of new can be sought through an associated landscaping scheme.

The greatest concern is the relationship of the proposed bungalows at the north of the site with the row of cottages (84-87 Rockwell Green) off the northwest corner. These cottages are extremely close to the site boundary and the western most bungalow would be sited only 1m from this boundary. These dwellings currently enjoy an open aspect, albeit looking out over neighbouring garden land and a somewhat overgrown, yet attractive green space. The dwellings themselves do not have much on-plot amenity space (the gardens being detached plots to the south) and some have none. The open front aspect is, therefore, considered to be important to their amenity.

The application originally proposed a 1.8m fence along the western site boundary giving access to these dwellings, which would have been sited just 2m from the front windows. This was not deemed to be appropriate and the applicant has agreed to retain the existing metal railings that currently form the boundary instead, where this adjoins the open frontage to the bungalows.

Whilst the dwellings proposed at the north of the site are only bungalows and the roofs have been hipped to slope away from the neighbours, the proposed east elevation wall would still be only 4m at its closest from 87 Rockwell Green, increasing to 8m from 86 Rockwell Green at the front of the bungalow. At the closest point, however, outlook from the front windows of 87 Rockwell Green is directly onto an existing brick built shed, which would significantly lessen the impact. The greatest impact would be from the other ground floor front window of no. 87, which would be approximately 6m from the new side elevation wall. However, with the retention of the railings, this property would retain some outlook and the impact is not considered to be so significant as to warrant refusal of the application. The impact on the outlook of 86 is less again as the majority of the outlook would be over the open frontage (albeit that this would be a car park) and the impact on 85 reduced further still.

The replacement of the 'green' outlook with a car parking area would impact upon the amenity of the existing properties. The parking layout has now been reconfigured to allow for a wider area at the westernmost end; which can be landscaped. The area is not large and will be less 'green' than the existing outlook, but it is considered to be appropriate.

### Wildlife

Emergence surveys carried out over recent weeks have revealed that parts of the site are used by bats. The demolition works will, therefore, result in the deliberate



disturbance of some bat roosts and a licence will be required from Natural England.

However, before granting planning permission, Taunton Deane Borough Council as a 'competent authority' under the Habitats and Species Regulations (2010) must also be satisfied that the derogation tests for granting a license would be met.

In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

1. Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);
  - (i) That there is no satisfactory alternative;
  - (ii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

*(i) Overriding reasons of public interest for disturbance*

The need for additional housing is in the public interest and it is clearly in the public interest to deliver this housing in the most sustainable way, at the most sustainable sites. The proposal is to re-use a previously developed site within the settlement limit and such is considered to be sustainable development. The development will also contribute significantly to improving and increasing the affordable housing stock in Wellington which is considered to justify the disturbance.

*(ii) That there is no satisfactory alternative*

The existing housing and public house are in a relatively poor condition and both would likely require significant intervention in order to secure a long term future. A proposal that did not involve the demolition of the existing buildings may still result in disturbance of the bat habitat yet it would not bring the added benefits of better quality, well designed accommodation fit for modern standards and an increased intensity of development on this well located and accessible site. It is not, therefore, considered that there is a satisfactory alternative.

*(iii) That the Favourable Conservation Status (FCS) can be maintained*

The proposed mitigation measures will ensure that the FCS can be maintained. This involves careful consideration of the timing of the works and provision of replacement bat roost (boxes). Such can be secured by condition.

## Conclusions

The proposed development makes an acceptable use of a previously developed site. It is acceptably designed and would integrate successfully into the street

scene. The proposal would not cause unacceptable harm to other nearby property or the highway network and the Favourable Conservation Status of bats can be preserved. It is, therefore, considered that the proposal is acceptable and 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**

38/15/0193

MR D SEARS

**CONVERSION OF DWELLING INTO TWO AND THE ERECTION OF THREE DWELLINGS WITH GARDENS AND ACCESS AT 19 SOUTH STREET, TAUNTON**

Location: 19 SOUTH STREET, TAUNTON, TA1 3AA

Grid Reference: 323341124493

Full Planning Permission

---

**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)DrwgNo.634/01 Location Plan  
(A3)DrwgNo.634/02 Existing Site Plan  
(A3)DrwgNo.634/04 Existing House Floor Plans & Elevations  
(A3)DrwgNo.634/05A Proposed Block Plan  
(A3)DrwgNo.634/06A Proposed Site Plan  
(A3)DrwgNo.634/07 New House Floor Plan  
(A3)DrwgNo.634/08A New House Elevations  
(A3)DrwgNo.634/09A Conversion of existing Floor Plans & Elevations  
(A3)DrwgNo.634/10 Site Section

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. Prior to their installation, details and samples of the materials to be used for the surfaces of the courtyard shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

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 Core Strategy Policy DM1.

5. The first floor window on the south east elevation of plot 3 shall be fixed and obscure glazed in a manner to be agreed and shall thereafter be so retained and there shall be no other windows inserted in this elevation without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1 of the Core Strategy.

6. Entrance gates shall be provided in accordance with details to be submitted and approved by the Local Planning Authority and shall be erected prior to the occupation of the units and shall thereafter be so maintained.

Reason: In the interests of highway safety and security of the site in accordance with Taunton Deane Core Strategy policy DM1.

7. Bin and cycle storage shall be provided on site prior to occupation of any dwelling hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities exist for the future residents of the site, in accordance with policies DM1 of the Core Strategy and M5 of the Taunton Deane Local Plan.

8. Prior to commencement of the development detailed proposals for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the dwellings being occupied.

Reason: To prevent increased risk of flooding in accordance with the NPPF.

9. Details of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority including a plan indicating the

positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before **the building(s) are occupied** and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents 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

The proposal is to convert the existing two storey building on the site from one to two units and construct a terrace of 3 small two storey dwellings in the rear yard area. Limited amenity space is provided for each unit. There is an existing access off South Street which is wide enough for vehicles but there is insufficient parking/turning for 3 cars and a communal courtyard is proposed in front of the new dwellings.

## SITE DESCRIPTION AND HISTORY

The site consists of a two storey rendered building and rear yard with a couple of ramshackle single storey outbuildings that used to be part of the shirt factory and are now used in conjunction with the dwelling on site. The boundaries are brick walls to heights between 1.6m and 3m high. There are flats to the east and south. Previous permission was granted in 2007, 38/07/0560 for conversion to two and erection of 7 flats. This was renewed in 2010 ref 38/10/0373REX.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*WESSEX WATER* - 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.

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

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

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

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* - Conversion of dwelling to two not CIL liable. Erection of 3 dwellings is CIL liable and rate is £70 per sqm. 3 dwellings - 157sqm so CIL liability is £10,962

## **Representations**

1 letter of objection on grounds of increased noise and pollution and loss of privacy.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
M4 - TDBCLP - Residential Parking Provision,  
EN23 - TDBCLP - Areas of High Archaeological Potential,

## **LOCAL FINANCE CONSIDERATIONS**

The approximate CIL liability (to the nearest £500) is £11,000 .

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)                      £4316

Somerset County Council (Upper Tier Authority) £1079

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £25,898

Somerset County Council (Upper Tier Authority) £6,474

## **DETERMINING ISSUES AND CONSIDERATIONS**

The residential use of the site has been considered twice in the past and was last considered in 2010 when the scheme involved conversion and 7 new flats. The following issues were previously considered design, amenity impact, flood risk, recreation and access.

The proposal here is the redevelopment of a brownfield site adjacent to the town centre in a sustainable location for the provision of residential development. While such developments are generally encouraged by the NPPF this must not be at the cost and to the detriment of good design. This scheme has a reduced floor area and number of units from the 2010 scheme and while it is for dwellings as opposed to flats, it does provide for limited amenity space. The main considerations with the proposal are design of the development, the impact of the development on the amenity of neighbouring properties and access.

A cross section showing the relationship with the boundary walls has been provided and the design of the scheme has been maintained at 2 storey as per the previous scheme. The development will project 2.9m to eaves level above the boundary wall to the rear (north) and 3.1m with flats to the north-east 8m away but is not considered to overly dominate the adjoining property and the boundary wall to the south will remain unchanged. The only window at the first floor of plot 3 will serve the stairs and can be fixed and obscure glazed to avoid any overlooking with the garden to Theaks Mews. There are first floor windows serving bedrooms to the front of plots 1 and 2 however these will look towards the brick wall boundary 11m away and are at an acute angle to No. 9 so as to prevent direct overlooking. Given the proximity of the nearest plot it is still considered appropriate to condition the obscure glazing of the nearest first floor window of plot 2 to safeguard privacy. The windows at the rear overlook a commercial premises. The development will be between 1 m and 3.5 m off the boundaries and will be 6.3m to ridge height to the north and 7.0m high to the west. While this is close to the boundary it is not considered over dominant.

The site no longer lies in a flood risk area since updated survey work has been carried out and as a consequence there is no longer a need to control floor levels to a set height. The reduction in numbers of units and the revised government guidance mean that the proposal no longer requires a recreation contribution or affordable housing provision. The development however would be liable to the CIL.

The issues previously raised by the Police in terms of security have been addressed with provision of lockable gates, as has the defensible space and storage issue. The site lies within the town centre location and the provision of a car free development here is considered acceptable and it is one that has been accepted by the Planning Inspectorate on appeal for a site on the opposite side of the road. In order to prevent access given the lack of on site turning a means of preventing vehicular access here

as previously suggested by the Highway Authority is considered appropriate if permission is to be granted.

There was no contamination condition imposed on the previous permission and it is considered unreasonable to impose one now. The development is a suitable reuse of a brownfield site in a sustainable town centre location and the development is not considered to harm residential amenity to a degree that would warrant refusal and the proposal 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: Mr G Clifford Tel: 01823 356398**



25/15/0018

MR & MRS HICKS

**ERECTION OF TWO STOREY EXTENSION TO SIDE OF PEN ELM HOUSE,  
NORTON FITZWARREN**

Location: PEN ELM HOUSE, MINEHEAD ROAD, NORTON FITZWARREN,  
TAUNTON, TA2 6PD

Grid Reference: 319690.126837

Full Planning Permission

---

**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) Location plan

(A4) Block plan

(A1) DrNo 9556 B Proposed elevations

(A2) Dr No 9556 GF Plan A Existing and proposed ground floor plans

(A2) DrNo 9556 FF Plan A Existing and proposed first floor plans

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

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

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

## Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.

## PROPOSAL

The proposal is to remove the existing extension to the east of the main dwellinghouse and to replace it with a new two-storey extension. It is thought by the applicants that the existing extension was originally a cart shed in the late 19th Century, could more recently have been used as a garage with the installed concrete lintel and garage door. It is currently used for storage, and tends to be treated as separate from the main house due to it being difficult to access internally. It is 5.8 metres at its highest point, 4 metres wide and 8.5 metres long. It has a brick front (south) elevation with a single window above the garage door and a swirling brick feature on the top, which hides the roof. It has a rendered side (east) elevation and rendered rear (north) elevation. There are steps to the rear which enable the extension to be accessed from a rear door which is half in the wall and half in the hipped roof. The rear elevation is a mixture of rubble (with possibly some cob) and links in with the materials of the rear elevation of the main dwellinghouse which has a sloping ground level. The roof is a shallow pitch of slate with a rooflight. The size of the current extension is 66.4 square metres.

The proposed extension is for a contemporary garden room with a balcony on the first floor on the east elevation. Originally, there were concerns that the extension was not subservient to the main dwelling; amendments were therefore sought to address this issue and amended plans were received which has overcome the concerns. The extension will be 7.3 metres high compared to the main dwelling which is 8.1 metres high. It will be 5 metres wide and 7.5 metres long making it 75 square metres over two floors (and approximately 9 square metres larger than the existing extension).

The main dwelling house is brick on the front elevation and has white timber sash windows on the first floor of the front elevation and dark timber French door-style windows on the ground floor of the front elevation with a timber glazed porch with pitched roof. The main roof and small roof over the ground floor are slate. The rear elevation has dark timber casement windows and a brick porch with a tiled roof and a glazed door. There is a roof light in the rear elevation. The house is connected on the west elevation with a row of adjoining cottages.

The proposed extension will have a slate roof to match that of the main dwelling. The barge boards will be oak. The front (south) elevation will have a brick 'base' to match the existing dwelling with a row of five oak timber windows at ground floor level and an oak fascia. At first floor level it is proposed to have larch cladding with

three oak timber windows. The east elevation will again have a brick base. It will also have a wall of 'fenestration' - there will be windows along the elevation including French doors and floor to ceiling panes. An oak fascia will again separate the floor levels, above which there will be larch cladding and a row of glass windows including French doors leading onto an oak balcony, and floor to ceiling panes to match the ones below. The gable end will have glass panes in the gable.

The rear (north) elevation will link into the existing rear elevation of the house with a rubble rendered base with two panes of glass at ground level, above which there will be an oak fascia, floor to ceiling panes of glass and a fenestrated gable, which matches the style of that in the east elevation.

## **SITE DESCRIPTION AND HISTORY**

Pen Elm House is situated directly off the A358 at Pen Elm Hill. It has a large garden to the east with an assortment of outbuildings and land to the east that stretches as far as Langford Lane. To the rear there are mature trees and agricultural buildings. To the west there is an adjoining terrace of four cottages. There is a parking area to the front and a border of mature trees which help to screen the house and grounds from the road.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *NORTON FITZWARREN PARISH COUNCIL - OBJECTS*

The Parish Council wish to object to this application on the following grounds:

- The extension is not in keeping with the rest of the building and terrace of cottages which are estimated to be 200 years old.
- The proposed materials for the roof do not match the front of the property which is roofed with stone.
- The section of the property which it is proposed to be demolished to make way for this extension is a 200 year old coach house.
- It is not subservient to the rest of the building, by its design it is radically different.

### **Representations**

Cllr J Adkins (Ward Member) - objects to this proposal and makes the following comments:

- The 'structure' to be demolished is in fact a 200 year old Coach House of 2 storeys, the ground floor having been used mainly for storage and the upper being an annexe to the main dwelling comprising living space with a kitchen and shower room.
- On the application form Q.10 has been answered incorrectly, as the property is highly visible from the A358 and also from the elevated public footpath opposite running from Courtlands towards Norton Manor Camp at approximately first floor

level.

- The proposed garden room is actually larger and higher than the existing Coach House and I therefore question the assertion that it is subservient to the main dwelling.
- The proposed front elevation is radically different from the existing and is not in keeping with the main house or the adjoining properties.
- The proposed materials are inappropriate. The existing structure is brick fronted with a small window and wooden coach doors. This proposal is timber-framed with large windows of a style not in keeping with others on the front elevation and wood cladding, which is not a feature of this terrace of properties.
- The roof line and materials would be radically different from the existing dwelling.

Two letters of OBJECTION, raising the following comments:

The design, size and style on the front elevation is not consistent with any other dwellings in the vicinity and does not respond to local character and history, or reflect the identity of local surroundings and therefore is detrimental to the street scene. I feel this is contrary to the Taunton Deane Core strategy and the NPPF and cannot see any benefits which outweigh the harm caused.

1 letter of SUPPORT stating that they have no objection to the proposals.

## **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
H17 - TDBCLP - Extensions to Dwellings,

## **LOCAL FINANCE CONSIDERATIONS**

The proposal is not liable to CIL.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The proposed contemporary extension will not be similar in appearance to the main dwelling with its walls of glass and wooden cladding. However, the roof will be in the same material and the pitch will be in keeping with the existing pitched roof of the dwellinghouse and the element of brick in the front elevation will match the existing dwellinghouse. It will be approximately 1.5 metres higher than the existing extension but it will be set back by 0.5 metres to the eaves and 0.8 metres to the front of the extension, and will be lower in height than the main dwelling so will be subservient to it. In addition, when viewed from the front, the proposed extension on the east elevation will introduce a form of symmetry with the terrace of dwellings attached and set back to the west elevation of the house.

The extension to be demolished, although about 150 years old, does not have any particular historical value as it has been amended through the years and due to the internal arrangement within the dwellinghouse it is not easy to access and use the upper floor.

The proposed extension will be built in traditional materials and will add a modern,

light and individual feel to a tired property which already comprises an assortment of materials and additions, particularly at the rear.

There are no overlooking issues as the proposed extension will not be clearly seen by neighbours or land-users, and due to the mature trees surrounding the site it will be screened from immediate view.

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

**CONTACT OFFICER: Mrs S Wilsher Tel: 01984 635296/01823 356559**

**APPEAL DECISIONS FOR COMMITTEE AGENDA –12 AUGUST 2015**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>INSPECTOR'S REMARKS</b>
APP/D3315/D/15/3 004343	BEACON LANE FARM, FOXMOOR ROAD, WELLINGTON, TA21 9NX	The proposed development, by reason of the scale of the business, the location of the kennels and their design is considered to cause unacceptable noise disturbance and harm to the peace and tranquillity of the Blackdown Hills Area of Outstanding Natural Beauty. Visitors to the area currently enjoy a peaceful natural environment with little in the way of noise disturbances and the proposed development would fail to maintain the peace and tranquillity of the Blackdown Hills AONB and conditions could not overcome this harm. The proposed development therefore fails to comply with Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy and guidance within the National Planning Policy Framework.	44/14/0010	APPEAL DISMISSED (PLEASE SEE ATTACHED LETTER)



# The Planning Inspectorate

Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Line:  
Customer Services:  
0303 444 5000

Email:  
despatch.admin@pins.gsi.gov.uk

[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

Julie Harcombe  
Taunton Deane Borough Council  
Review Support Manager  
The Deane House  
Belvedere Rd  
Taunton  
TA1 1HE

Your Ref: MC/102567/PD/11/A/956  
Our Ref: APP/D3315/C/14/3000141  
**Further appeal references at foot of letter**

09 July 2015

Dear Ms Harcombe,

**Town and Country Planning Act 1990  
Appeals by MRS JULIE COATE**

**Site Addresses: Beacon Lane Farm, Foxmoor Road, WELLINGTON, Somerset,  
TA21 9NX and Beacon Lane Farm, Voxmoor, WELLINGTON, Somerset, TA21**

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planning/planninginspectorate/customerfeedback/feedback>.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

Yours sincerely,

***Rebecca Sippitt***  
Rebecca Sippitt

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - [www.planningportal.gov.uk/planning/appeals/online/search](http://www.planningportal.gov.uk/planning/appeals/online/search)

Linked cases: APP/D3315/W/15/3004343



---

## Appeal Decisions

Site visit made on 22 June 2015

**by Gareth Symons BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 July 2015**

---

### **Appeal A: APP/D3315/C/14/3000141**

**Beacon Lane Farm, Beacon Lane, Voxmoor, Wellington, Somerset, TA21 9NX**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mrs Julie Coate against an enforcement notice issued by Taunton Deane Borough Council.
  - The notice was issued on 18 September 2014.
  - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised change of use of agricultural land to a dog breeding business together with the siting of wooden structures to accommodate dogs and associated hardstanding as shown on the three photographs attached to this enforcement notice.
  - The requirements of the notice are: (i) Cease using the land for a non agricultural use, namely the keeping of dogs; and (ii) Remove from the land all buildings and structures and hardstanding used in connection with the keeping of dogs.
  - The period for compliance with the requirements is: 2 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
- 

### **Appeal B: APP/D3315/W/15/3004343**

**Beacon Lane Farm, Beacon Lane, Voxmoor, Wellington, Somerset, TA21 9NX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Julie Coate against the decision of Taunton Deane Borough Council.
  - The application Ref: 44/14/0010, dated 3 June 2014, was refused by notice dated 12 January 2015.
  - The development proposed is the retention of dog breeding kennelling on existing yard area.
- 

## Decisions

### **Appeal A – APP/D3315/C/14/3000141**

1. It is directed that the enforcement notice be varied by deleting the text “2 months from the date that this Enforcement Notice takes effect” from paragraph 6 and replacing that with “6 months”. Subject to this variation the appeal is dismissed and the enforcement notice is upheld. Planning permission for the application deemed to have been made under S177(5) of the 1990 Act is refused.

## **Appeal B – APP/D3315/W/15/3004343**

2. The appeal is dismissed.

### **Appeals A and B – planning merits**

3. The main issues are the effects of the development on the character, appearance and tranquillity of the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and on the living conditions of residential occupiers in the area with particular regard to noise from barking dogs.

#### *Character, Appearance and Tranquillity*

4. Beacon Lane Farm is around two miles from the centre of the town of Wellington. It is accessed by a single roughly surfaced track from Beacon Lane that leads up the hillside for about 550m. It is a secluded location from where there are far reaching views down over the M5 motorway across a level vale to the backdrop of the Quantocks Hills AONB in the distance. The track is also a public right of way that proceeds past the appeal site through a nature reserve to the top of the hill where the imposing Wellington monument stands. A public footpath also skirts immediately to the north of the farmstead.
5. Planning permission was granted in 2012 (LPA Ref: 44/11/0020) to convert the barns to form a dog breeding enterprise and residential space. The appellant advises that the permission catered for an existing business of 28 breeding bitches. Work on converting one of the barns to residential accommodation has been completed but work on the two others barns planned to be used in connection with the dog breeding business has yet to be commenced.
6. Dog breeding kennels were though erected without planning permission in the corner of a field some distance to the south of the farm buildings further up the hillside. In 2014 an application (LPA Ref: 44/14/0001) to change the agricultural use of that site to an area for dog breeding kennels with hardstanding was refused planning permission. A subsequent appeal was dismissed (APP/D3315/A/14/2218011). That site was also subject to enforcement action and the kennels have been relocated to the current appeal site which is a small area of land just to the north of the barns but outside of the area originally granted planning permission for the barn conversions.
7. There are six typical kennel type sheds behind an outdoor dog training area that is enclosed by a tall close boarded fence. On the one side of this there is a larger shed that can accommodate several dogs which has a door into the training compound. When I was there the door was open and the dogs were able to go into and out of the shed as they wished. The business now caters for 50 breeding dogs. The kennels are next to the yard to the barns and there is a stone wall to the front next to the access track with large double gates in it. The wall wraps partly around the north boundary of the site.
8. Along with National Parks, AONB's are afforded the highest status of protection when it comes to their landscape and scenic beauty. The National Planning Policy Framework (NPPF) also states that "*great weight should be given to conserving landscape and scenic beauty of...Areas of Outstanding Natural Beauty...*". Policies DM1, DM2 and CP8 from the Taunton Deane Core Strategy reflect these objectives by seeking to protect the appearance and character of landscapes from harmful development and protecting, conserving and enhancing landscape character and natural assets.

9. Although the kennels are now located in a less exposed position than before, the conglomeration of sheds and fencing are not in keeping with the range of traditional farm buildings and, particularly when the gates are open, they are visible from the public footpath. Despite the Council planning officer in his Committee report finding the sheds and fencing acceptable in landscape terms, in my opinion they detract significantly from the quality of this highly protected landscape that persons walking along the well-used footpath up to the monument have come to enjoy.
10. Moreover, critical to the enjoyment of the area is its peacefulness. 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. Policy DM2 sets out the uses which might be appropriate within the AONB. Dog breeding is not one of those. While I was at the site the wind was blowing from the motorway towards the farm. Thus the motorway traffic noise was audible. However, I note that when the previous Inspector was at the farm the noise from the motorway was imperceptible.
11. Arrivals at the site, which I witnessed, cause a raucous reaction from the dogs with a lot of barking. Walking along in front of the kennels and peering over the fence into the training area also causes the dogs to bark, which must happen when the dogs are tended to during the day. Due to the closeness of the kennels to the footpaths there is also the risk for disturbance from passing walkers to set the dogs off. It is noted that the Council officer visits on foot did not trigger any barking, but variations to the acoustic conditions and whether walkers are, for example, talking to each other may cause the dogs to bark. These may be fairly short lived episodes but the intensity of the barking from so many dogs is a serious intrusion into the quiet ambience of the area.
12. It is suggested that use of the outdoor training would be restricted to 1.5 hours twice per day. However, I agree with the previous Inspector that this would be very difficult to control and enforce by a planning condition. Also, when I visited the site the dogs kept in the larger shed could move freely in and out of the building. The outside keeping of the dogs is likely to more noisy than if they were inside.
13. It is acknowledged that a dog breeding business has already been accepted at the appeal site. However, the dogs would have been in the existing stone barns which probably have better acoustic attenuation qualities, and there would have been far fewer dogs. Consequently the noise intrusion under the approved scheme would probably have been less and new buildings would not have been required. Even by enclosing the current wooden kennels more I doubt that this would lead to a significant reduction in the intrusiveness of the barking noise in the vicinity of the site.
14. I have found material harm to the character and appearance of the AONB that is in conflict with the highest status of national protection when it comes to landscape and scenic beauty. Moreover, the tranquillity of the area popular with walkers using the local footpaths would be seriously undermined. The planning applications made under Appeals A and B are thus contrary to the landscape character protection aims of national policy and policies DM1, DM2 and CP8 from the Taunton Deane Core Strategy.

### *Living Conditions*

15. The appellant's acoustic report demonstrates that at the nearest residential properties the noise from dog barking was not perceptible. However, the occupants of one of those properties have provided a detailed diary of when dogs could be heard over a full two year period (2013-2014). Some of this time may have been when the kennels were in the open field. However, one of the days recorded was 15 July 2014 at 12:30 pm when the kennels were where they are now. On that same day, albeit in the morning, is when the noise monitoring was carried out for the acoustic report.
16. Variations to background noise and weather conditions may have led to the differences in the above findings. I also acknowledge that just hearing dogs bark does not necessarily cause a statutory noise nuisance. Nevertheless, people's reaction to noise varies depending on their sensitivity to it and its type. There is first hand evidence in this case that barking can be regularly heard. To those persons it is a source of annoyance that at the moment adversely impacts on their living conditions.
17. I can see against this background why the Council's planning officer was recommending a two year temporary planning permission which would have allowed the issue to be monitored, during which time further noise attenuation measures could also have been provided. It is also acknowledged that the scheme under Appeal B was supported by the planning officer on the basis of a temporary planning permission. However, elected members are not bound to accept the advice of their officers and I have found harm to the character and appearance of the AONB and disturbance to its tranquillity. A temporary planning permission is thus not an option that I can follow.

### **Appeal A – ground (d)**

18. The appellant's case is that the hardstanding the enforcement notice requires to be removed is the floor slab of the former farmhouse that was demolished 35-40 years ago. As such this part of the development is now immune from enforcement action. The burden in legal grounds of appeal such as this to substantiate the case rests firmly with the appellant.
19. Despite reference to historical ordnance survey information or on site investigation there is no evidence to back up the appellant's claim. I was told at the site visit that the largest kennel building sits on top of the old floor slab. However, there was no evidence to show this and it is not my place in a written representations appeal to go unearthing or scraping back ground cover to show what may have been floor tiles underneath. Even if I had, exposing a slab does not necessarily prove when it was put down. For these reasons the appellant has not made her case out and so this ground of appeal must fail.

### **Appeal A – ground (f)**

20. It is not excessive to require operational development to be removed from the land that has facilitated the unauthorised use. Cessation of the dog breeding use and removal of the kennels and the hardstanding are necessary steps to remedy the breach of planning control in order to restore the land back to its condition before the breach took place. Thus the ground (f) appeal also fails. However, if the Council felt in the future that after the use had ceased and the kennels had been removed those actions were sufficient to remedy the breach

of planning control, it could waive or relax any of the requirements of the notice if that was appropriate.

### **Appeal A – ground (g)**

21. Ceasing the use and removing the associated development would be a relatively straight forward exercise. Two months is not, on its face, an unreasonable period of time in which to comply with the notice. The appellant though considers that a period of 18-24 months would be necessary to find new premises to relocate to. While I mindful of the business need there is a fallback here of being able to convert the barns. This may not meet the total needs of the business now because for viability reasons the barns could not accommodate enough dogs. However, it is at least a readily available part solution which the Council suggests could be achieved with low level works. Weighing against the needs of the business is the harm to the AONB.
22. Taking all of these factors into account, I consider that 6 months would strike the right balance between the needs of the business and the upholding of planning policies that seek to prevent harm to the highly protected landscape. On this basis the ground (g) appeal succeeds.

### **Conclusions**

23. Having had regard to all other matters raised, it is concluded that the enforcement notice under Appeal A should be varied in line with the above and both appeals should then be dismissed.

*Gareth Symons*

INSPECTOR

**APPEALS RECEIVED FOR COMMITTEE AGENDA – 12 AUGUST 2015**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
<b>APP/D3315/D/15/3062070</b>	ERECTION OF REPLACEMENT SINGLE STOREY AND TWO STOREY EXTENSION TO THE REAR OF 55 RICHMOND ROAD, TAUNTON.	<b>38/15/0049</b>