

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 November 2015 at 17:00.

Agenda

- 1 Apologies.
- 2 Public Question Time.
- 3 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 4 14/15/0020 Change of use from storage and distribution (use class B1/B8) to general industrial (use class B2) for wood processing and storage at Walford Cross units, Walford Cross, Taunton
- 5 16/15/0003 Conversion from store/workshop to stable incorporating raising of the eaves and roof ridge plus addition of canopy to the west elevation, construction of a manege to the south at Kinleigh, Frog Lane, Durston
- 6 49/15/0037 Outline planning application with some matters reserved for the repositioning of the vehicular and pedestrian access with alterations to driveway for the erection of 2 No. dwellings on land at Tor House, 48 Ford Road, Wiveliscombe
- 7 49/15/0038 Formation of repositioned vehicular access from Ford Road, new driveway within site including associated new walls and alterations to existing walls at Tor House, 48 Ford Road, Wiveliscombe
- 8 38/15/0375 Conversion of roof space at 56 Mountfields Road, Taunton
- 9 38/15/0394 Erection of two storey extension to the side and rear of dwelling and formation of vehicle hardstanding/vehicle crossing at 11 Belmont Road, Taunton
- 10 The latest appeal and decisions received
- 11 Proposed changes to the Council's Constitution. Report of the Solicitor to the Council (attached)

Bruce Lang
Assistant Chief Executive

12 February 2016

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



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

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

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	

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

14/15/0020

CHIPMUNK SOUTHWEST LTD

CHANGE OF USE FROM STORAGE AND DISTRIBUTION (USE CLASS B1/B8) TO GENERAL INDUSTRIAL (USE CLASS B2) FOR WOOD PROCESSING AND STORAGE AT WALFORD CROSS UNITS, WALFORD CROSS, TAUNTON

Location: WALFORD UNITS, WALFORD CROSS, TAUNTON, TA2 8QP

Grid Reference: 327684127982

Full Planning Permission

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:

- (A1) DrNo 5054_01 Existing Floor Plans
- (A1) DrNo 5054_02 Existing Elevations
- (A1) DrNo 5054_04 Proposed Floor Plans
- (A1) DrNo 5054_05 Proposed Elevations
- (A1) DrNo 5054_06 Proposed Roof Plan
- (A4) DrNo 5054_07 Location Plan
- (A2) DrNo 5054_08 Site Layout Plan

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

2. There shall be no use of a wood grinder or wood chipper on site at any time.

Reason: In the interests of the residential amenity of the area in accordance with Core Strategy policy DM1.

- 3.

The LAeq,T rating noise level from the operations (as defined within BS 4142:2014) as measured under free-field conditions at 5 m from the nearby residential façades (in locations to be agreed in writing) should not exceed the prevailing representative LA90, background noise level by more than 3 dB at any time.

The assessment time period T should be defined as follows:

- o Daytime (07:00- 23:00 hours): 60 mins;
- o Night-time (23:00- 07:00 hours): 15 mins.

All measurements and assessment should be carried out in accordance with the guidance of BS 4142:2014.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to DM1(E) of the Taunton Deane Core Strategy.

4. The canopy roof must join the boundary wall and the “biomass” building (existing building to the north) in a continuous join with the solid/brick boundary wall to the east and the existing building to the north to be effective and the underside of the canopy roof shall be clad so it has a construction with a weighted sound reduction index of 30dB Rw. This should extend from the roof to the solid/brick boundary wall. The said works shall be carried out within one month of the permission hereby granted and if not the use of the site shall cease until the said works are carried out.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to DM1(E) of the Taunton Deane Core Strategy.

5. The **use of the site** hereby permitted shall **cease** within 14 days of the failure to meet any one of the requirements set out in (i) to (iv) below:
 - i. within 1 month of the date of this decision schemes for the management of dust, **dust monitoring and monitoring of flue emissions** shall have been submitted for the written approval of the local planning authority and the schemes shall include a timetable for their implementation and the ongoing monitoring of dust and emissions;
 - ii. if within 3 months of the date of this decision the local planning authority refuse to approve the scheme, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;
 - iv. the approved schemes shall have been carried out and completed in accordance with the approved details and timetable and thereafter complied with for the duration of the site operations.
 - v. Should a dust emission occur operations shall be suspended until the source of dust has been determined and measures put in place to prevent further occurrence. Should smoke or water vapour be emitted from the flue the boilers should be turned off, until measures have been put in place to prevent a further occurrence.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of dust which would be contrary to DM1(E)

of the Taunton Deane Core Strategy.

6. All fuel used in the biomass boilers shall comply with the recognised standard for wood chip fuel, G50 W30 and have a moisture content below 35%.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of pollution which would be contrary to 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.
2. You are advised to draw up a noise management plan to ensure the noise from the site does not breach the noise limit condition.

PROPOSAL

The proposal is to retain the alterations carried out to the building on site and to change the use of the building from B8 storage and distribution to a general industrial use for the processing and storage of wood chip. The process involves the industrial drying of wood chip delivered to the site and includes the loading of two drying machines and depositing the dried chip within the building where it is then moved to be packed prior to distribution.

SITE DESCRIPTION AND HISTORY

The site lies at Walford Cross and consists of a large storage building previously used by Langdons for as an unrestricted B8 cold storage depot. The building extends to the boundary of the site with the 4 residential properties to the north.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CREECH ST MICHAEL PARISH COUNCIL - I would advise that the Creech St Michael Parish Council considered this "retrospective" application at its meeting held on the 3rd August. The meeting was well attended with 17 members of the public attending most of who wished to speak against this application.

The CSM PC share their concerns, indeed the PC wrote to you previously advising of the use of these premises. The PC is left wondering why no enforcement action has apparently not been taken by TDBC to prevent this change of use, especially when TDBC knew of the problems when the company operated at a previous site in

Taunton.

The applicant's neighbours advised the PC of the relationship they had with the former operator, Langdon's over many years yet they advise they are at their wits end already with this applicant after just three months. The Parish Councils planning panel have visited the site too and have also adversely reported on the operations at this site.

To summarise the CSM PC concerns;

Why has the company been allowed to operate by TDBC without planning permission for 3 months, when clearly the Company and TDBC have not complied to Environmental Permitting Program (EPP). It is considered that along with virgin wood, waste wood is also being processed and in such instances falls under the Wood Incineration Directive (WID), and this should be enforced by TDBC, we believe it's not being enforced. This is based on reports of two bio mass boilers in use by the company.

We understand that a building has been demolished and a new one built, without planning permission, and furthermore what is that building being used for and does it fall within Part J of the building regulations for Bio Mass Plants "Pepper" dust created by the production process extends across both the site and the area in and around domestic houses and other business premises. It creates a H&S concern, an environmental concern and a nuisance to Parishioners. Again Part IV of the Environmental act 1995 Air Quality and Dust, we believe is being breached in terms of dust and other obnoxious gases and particulates which are being exhausted to atmosphere without any form of control or dust extraction. The dust cloud is creating poor visibility adjacent to the M5 and 2 A roads. Again TDBC is the responsible authority for this, why has no action been taken? When this Company seems to be in breach of the Clean Air Act 1993 and Pollution Prevention Controls and IPPC.

It is also noted that under DEFRA, the local authority must regulate these operations, it is considered that TDBC have failed to regulate this company and failed the local community of CSM.

Also the site (both machinery and heavy plant) is being used 24/365 without regard for the noise being generated, in particular to neighbours, at all hours. This company seems to be operating at night and the noise levels are such that the residents are finding it difficult to sleep and we would suggest that the db level is above 85db. Large lorries are also accessing the site and are having to cross the A38 at all times of day and night.

Furthermore the smell created is, unpleasant and the applicant claims 10 new jobs have been created but we had understood the company has simply moved from Trull to this area so at best the Company has managed to keep the existing employees. We believe this is down to the stench of the wood and a large runoff of effluent from the site onto neighbouring land, which is in breach of the Environmental Act and Waste water directives.

The CSM PC is for these reasons **STRONGLY OBJECTS** to this application and requests the application be refused and the refusal enforced on all ground sighted within this letter.

CSM PC is aware that this company is also "chipping" at a site in Lyng. The PC wishes to make it clear to TDBC that it does not want chipping being undertaken at this site.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No comment received.

HIGHWAYS ENGLAND - We are satisfied that the traffic movements associated with the development will be negligible and will not affect the M5 motorway. Our only concern which stems from the major incident in November 2011, is the possibility of smoke and/or dust arising from the manufacturing process affecting the M5.

The site is largely screened by vegetation and the M5 north at Walford Cross which is in a cutting. The site is west of the M5 and with a prevailing wind being south westerly so any potential smoke could affect the M5.

It appears the site has been operational for around about five months without permission for change of use and as far as we are aware there has been no record of smoke affecting the M5 and no complaints from public to date.

However five months takes us back to March and therefore the site hasn't been subject to the winter months when cold/drizzly weather may intensify potential smoke across the M5 especially when combined with night time working (24hour operation).

From our discussion I note that the Environmental Control Officer has requested that the applicant should provide a report with details of the processes that could generate dust on the site, whether this could, or is, affecting nearby premises, and details of any mitigation needed to allow the process to operate without dust affecting any other premises. We request that as well as dust, this report should also include a look at the possible effects of smoke, how both of these could affect the M5, and details of mitigation measures to reduce the potential impact of the emissions.

14/10/15 - We welcome the additional assessments for noise, air quality and the dust audit. You will recall we spoke about this application and Highways England's concern about the potential issue of dust. In view of the conclusions of the dust audit we have no further comment to make.

ENVIRONMENTAL HEALTH OFFICER - The report assesses the potential for noise from the wood processing site to affect nearby residents. The report outlines the proposed activities at the site including deliveries of wood chip which will then be ground, sorted and bailed. Some wood chip will also be dried using dryers powered by biomass boilers. The dryers will be loaded using a wheeled loader.

It is proposed that deliveries will be between 07:00 – 17:30 seven days a week and bailing and grinding will occur between 07:00 – 23:00 seven days a week The

drying will occur 24/7. At night a single wheeled loader will be used outside to load the driers.

The Report involved comparing the predicted level of noise from the operations on the site to the existing background noise levels at the nearest residential properties. The assessment follows British Standard BS4142 (2014).

Some assumptions were made, for example - data on the noise from the biomass boiler flues was not available and so it was assumed that the level from each terminus will not exceed 55dBA at 1m.

- the grinder was not in use, although it was noted that it is indoors and fitted with an acoustic enclosure.
- Mobile plant will be fitted with white noise/broadband reversing alarms

Noise monitoring was carried out to determine existing background noise levels at a nearby residential property.

Measurements were taken of noise from plant and equipment and general site noise.

This information was used, along with noise mapping software, to estimate the level of noise from the site at nearby residential premises. The estimated level can also be given a rating depending on whether it will be tonal or impulsive (as these types of noise are more likely to disturb neighbours). The 24 Acoustics assessment (sec 6.4) assumes that the noise emission from all the plant will be steady and continuous and that mobile plant will be fitted with white noise/broadband reversing alarms, therefore a correction for tonality or impulsive noise was not used in the assessment.

Assessments were made for noise generated during the day (07:00 – 17:30), evening (17:00 – 23:00) and night-time (23:00 – 07:00).

The assessment calculated that the rated noise level would be below the background noise level during the day and evening and 3dB above the background level at night.

The report refers to the Noise Policy Statement for England (NPS) and Planning Practice Guidance (PPG). It concludes that during the daytime and evening periods there will be a low/very low noise impact. At night the assessment level of +3dBA would be in the region of “lowest observable adverse effect level” (LOAEL) or “significant observable adverse effect level” (SOAEL) and the report says that this would be acceptable in planning terms. It concludes that the proposals will not cause any harm or loss to the quality of life to the occupants of the nearest residential receptors.

Comments

The report that has been carried out is a way of estimating the potential impact of noise on nearby residents. In this case the site is already operating, so it has been possible for the applicant’s consultant to assess most of the plant and equipment while it is actually on site.

Environmental Health have received complaints from residents about noise from the

site, including vehicles and loaders moving around, banging, reversing alarms and drones from machinery. The noise is more of a problem at night as the background noise levels are lower and people are more likely to be disturbed by the noise. Some monitoring has been carried out by Environmental Health¹ at night and there was noise audible inside neighbouring properties. This seemed to be a low rumble/drone of a vehicle moving around, probably inside as the noise was of a low frequency. There was also a constant humming noise on some nights.

Some parts of the Noise Assessment report need to be clarified. There should be more information regarding the calculation of noise levels from the equipment at the site (Sec. 5 and Appendix C). For example, how was the noise from the mobile loaders measured (were they moving, stationary, loading?) and clarifying using the doors as a noise source. I have spoken to the consultant at 24Acoustics who explained that measurements were taken of plant on site and used to estimate noise levels and that they would be able to provide additional information.

The report mentions that the site will have a grinder, however, I now understand that this has been removed and will not be used on the site.

The plans in the report showing the building aren't accurate as the southern façade of the "middle" building is further north (i.e. the yard is bigger) and also an extension has been added that does not cover the whole width of the yard. The applicant should clarify whether this would affect the estimated noise levels. The location of the measurement point should be shown clearly.

There is no comment on the structure of the building and how this would affect the noise breakout. From visits I have made it is noticeable that the main buildings are solidly built, although they have large doors. The new extension over the yard does not appear to be as likely to contain noise (I note that the gable end of the old building is covered with a plastic sheet down to the level of the extension).

The assessment did not apply a rating level for tonality or impulsive noise. Based on the information from the report and visits to the area I can accept there is not likely to be any tonal noise from the plant on site. However, complaints have been received about noise from machinery moving around and bangs from material being picked up and tipped. It is likely that this is from wood chip/shavings being tipped into the high level hoppers of the dryers. If this noise was happening regularly and was loud it could require a correction to be added to the rating level.

BS41442:2014 includes comments on the assessment of the impact of noise (sec11).

This states that where "the rating level does not exceed the background sound level this is an indication of the specific sound source having a low impact, depending on the context". In this assessment the night-time rating level is 3dB above the background level.

With similar commercial developments Environmental Health would normally recommend that the noise level (from the commercial site) at nearby residential premises does not exceed the background noise level outside normal working hours.

The 24Acoustics assessment refers to the Planning Policy Guidance and the

Lowest Observable Adverse Effect Level and says that this would be acceptable. However, the guidance could also be read to state that if the noise is within LOAEL then there should be action carried out to “mitigate and reduce to a minimum”.

I understand that some steps have been taken to reduce noise from the wheeled loaders, however, this has not been mentioned in the report. Also, there is no information on alternative ways of operating the site to minimise noise, in particular loading the dryers at night. It may be that an alternative to loading by tipping with vehicles would reduce noise levels, and may also reduce dust generated on site.

Recommendations

The applicant should provide clarification of some issues

- Confirmation that the grinder will not be used on site
- Clarification on the calculation of the specific noise levels and reference time intervals
- Whether the difference in layout of the buildings/canopy will affect the noise level assessment
- Comment on the structure of the building in relation to noise attenuation.
- Alternatives to using a wheeled loader to tip the wood chip into the dryer's hoppers.

The applicant should also look into the source of other noises at night, such as vehicle movements (probably inside) and also a constant drone (although that has not always been present).

Regarding controlling the noise if the permission is given. I attach a condition that has been used on other commercial developments in the area. This may need to be amended to suit the circumstances at the site. If there are any specific sources of noise that could cause a disturbance would it be possible to restrict the times that this activity/equipment could be used?

If there were complaints about noise from the site in the future the Environmental Health section has a duty to investigate them as a potential statutory nuisance, and could take action to ensure that the operators are using best practice to control any noise. However, it would be preferable to ensure that any potential noise (or dust/smoke) is controlled via the planning process to prevent any disturbance.

21/10 Comments on amended detail

Additional information has been submitted.

- Dust Audit, September 2015. Isopleth Ltd
- Air Quality Impact Assessment, September 2015, Isopleth Ltd
- Renewable Heat Incentive (RHI) Emissions Certificate for Heizomat burner. 23 December 2013. EMCo Air Quality and Mineral Management (LMM) comments re statutory consultees and public representations
- Email from Matt Stoling at Isopleth with additional information 29 September 2015
- Updated Noise Impact Assessment and covering letter 23rd September 2015, 24 Acoustic

This is in addition to the report already submitted

- Updated Noise Impact Assessment 13th July 2015, 24 Acoustics

My comments on the information provided are given below. If the application is given permission I would recommend that conditions are used to minimise disturbance to nearby residents. I have outlined where conditions that could be used, but have not drafted fully-worded conditions as some will require input from planners to ensure they are acceptable, and others may need additional information from the applicant/agent.

Comment on dust report

Regarding the ejection trailer it would be good if the applicant could clarify what percentage of deliveries will be made using this. Over the last few months there have been a lot of deliveries with tractors and trailers. Could the use of the ejection trailer be required as a condition, or would that be too onerous and rule out deliveries from anywhere else?

I have also been in touch with Chipmunk Ltd and am aware that they are considering the use of a cyclone filter to remove the dust/vapour from the outlets of the dryers, which would work in place of the misters. The applicant should get comments on this from a consultant (re noise and dust) and ensure that it will be effective and will not be noisy.

If planning permission is granted there should be conditions in place to ensure that the work outlined in the report is completed, and that the management procedures described are carried out. A condition could also be used stating that dust from the operations must not leave the site, and a condition that requires the operator to carry out dust monitoring at the boundary of the premises or off-site.

Air Quality

The site has two 990kW biomass boilers on site which are used to generate heat to dry wood chip. There are residential premises close to the site and there have been complaints about smoke from the site since the process has been in operation.

The Air Quality Impact Assessment report estimates pollution emissions from the two biomass boilers on the site and uses modelling to quantify the impact on sensitive receptors (nearby residents) and determine the significance of these impacts.

The RHI emission certificate gives details of the levels of emissions of nitrogen dioxide (NO₂) and particulate matter (PM₁₀) measured when the boilers are running (at over 85% of their operational efficiency). The certificate states that this was carried out using specified types of fuel (“chipped wood B1 (EH 303-5) up to 35% moisture” and “compressed wood C1 (EN303-5) up to 12% moisture”)

There is a biomass screening tool for assessing the potential impact of emissions. However, this cannot be used for this site as the stack height is the same/lower than the nearby buildings. Therefore, the assessment used more detailed

dispersion modelling to assess the potential impacts.

The potential emissions were modelled, based on the data from the RHI certificate assuming that both boilers would be running 24 hours a day, seven days a week. The model produced an estimate the levels of NO and PM10 that would be produced by the boilers (tables 6-1 and 6-2 shown as "PC" (the process contribution). It estimated an annual mean level and short term levels.

I have checked with the consultant who confirmed that the short term levels in the tables are not a mean level, but the level that would be exceeded a certain number of times (18 times a year for NO₂ and 35 times for PM10) , which is in line with the national air quality standards (given in table 3-1).

There are plans showing the level of NO₂ and PM10 that could come from the process. The hourly/24 hour results do show the highest levels away from the flues, the consultant confirmed that this would be expected as this was an example of the worst case short term exceedence.

Table 6-1 and 6-2 add the level of pollutants from the flues (the process contribution PC) to the background levels (from government estimates) to give the Predicted Environmental Concentrations (PEC). These can then be compared to the air quality standards (table 3-1) and it also shows how the process levels compare to existing background levels.

The report concludes that the level of pollution at nearby properties would be negligible and there is no need to raise the level of the flue.

Comment on air quality report

Taunton Deane Environmental Health does not have the air quality software to check the modelling that was carried out. However, based on the data provided there is no reason to doubt the modelled pollutant levels, which are likely to come from a modern boiler burning good quality, dry wood chip.

My previous comments asked for some information including the anticipated maximum fuel rate (kg/hr). The agent's information states that this will be 10kg/hr. I have carried out a simple calculation and, using a wood chip fuel at 30% moisture (with a calorific value of 3.5kWh/kg) this would produce approximately 35kW of power. The boilers are rated at 990kW, which means that they will be operating at below 4% of their maximum capacity. The applicant should provide confirmation from the manufacturer that the boilers can operate efficiently at this level.

The plant has been running on site for several months and complaints have been received by neighbours about smoke from the site. When running correctly the boilers should not produce smoke (this has been confirmed by the manufacturers). However, I have visited the site recently and witnessed smoke from one of the flues (the other boiler was not running) which was drifting into the gardens of neighbouring properties. After liaising with the site operators it was found that a rain water gully had become blocked and water had run down a wall into the bunker containing the wood chip fuel for the boilers, dampening the bottom of the pile from where the automatic auger feed was taking the wood chip. As only the bottom was damp the operators did not notice the problem. This did highlight a concern as the

boilers are fitted with sensors for temperature and oxygen levels but these did not trigger an alarm that the boiler was not operating correctly and was producing smoke.

I have spoken to the manufacturers of the boilers who said that if the wood chip was damp the burners should be able to operate for a period without creating smoke, but there could be water vapour coming out of the flue. The information from the monitor on the boilers could be reviewed (by the operator/manufacturer).

A planning condition should be used to require the operators to use suitable fuel that would allow the boiler to operate effectively. This could refer to the current standards for the type of wood fuel and the moisture content.

I would recommend that a planning condition is used to ensure that monitoring is installed and maintained on the boilers that will raise an alarm if the conditions arise that could lead to smoke (or water vapour) coming from the flue. It is likely to be necessary to liaise with the manufacturers to ensure that any condition specifies equipment that will be effective.

It may also be possible to require off site monitoring of particulates, probably in the garden of a nearby premises that is downwind from the flues. This could be for a set period to check that the boilers are working correctly.

Comments on noise

I refer to my previous memo dated 9th September 2015 where I commented on the noise report submitted by 24Acoustics and asked for some additional information and clarification. Further information has been sent in by the applicant (letter from 24Acoustics 23 September 2015). Regarding the specific points raised in my memo

- The acoustic consultant has clarified the method used to estimate noise levels, by measuring noise from certain activities on the site.
- The letter confirms that the grinder will not be used on site.
- The noise modelling has been revised to take into account the amendments to the buildings (note that this assumes that the new canopy roof adjoins the biomass plant building and boundary wall)
- Re the structure of the building, the consultant states that their noise calculations assume that the canopy abuts, and is sealed against, the biomass plant building and the boundary wall. It also assumes that the canopy roof construction has a weighted sound reduction index of 30dB Rw. It gives an example of the structure that would be suitable. I would recommend that a planning condition is used to ensure that this work is carried out.
- Rating for tonality. The July Noise Assessment did not have a rating for tonal or impulsive noise. However, in the recent letter the consultant confirms that although the noise should not be impulsive there is the potential for such noise (from the loading vehicles), therefore, a +3 dB rating correction could be added if the noise was regular and loud.

The consultant has provided a revised planning condition that could be used to restrict noise levels from the site. This is similar to the one that TDBC have used at other sites in that it sets a limit for the noise from the site exceeding background levels. However, the parameters they suggest are different and they recommend that the rated noise level from the site should not exceed background levels by 5dB at any time. They recommend that the location for monitoring would be 5m from the nearest residential facade and in “free field” conditions, basically, away from any structures that could reflect sound. This would mean that the point where this would be measured would be in the garden of Hillside. This is on third party property and so would it be suitable for monitoring a planning condition? I would suggest that a monitoring location is also agreed close to the premises to the north east of the site as they are closer to the open yard area of the site and could be more affected by noise from movement outside at night. I will liaise with planning to come up with the wording for a condition and also to determine where the noise could be monitored.

There are works that need to be carried out so that the site complies with the assumptions made in the noise report. These works should be required as a planning condition.

- The canopy roof must join the boundary wall and the “biomass” building (existing building to the north). To be effective this must be a continuous join, noise will get through any gaps.

Underside of the canopy roof has a construction with a weighted sound reduction index of 30dB Rw. This should extend from the roof to the solid/brick boundary wall.

General comments

Based on the information supplied by the applicant the process should be able to operate without causing significant disturbance to neighbours. However, the site has been in operation for several months and complaints have been received about noise, dust and smoke and evidence is being gathered to determine how persistent and severe these problems are. Some things have been witnessed by officers from the Council (smoke/water vapour from the site, dust at nearby premises and recordings made of noise at night).

From speaking to neighbours there does seem to have been some improvement from when the site first started working, but there are still problems from the site. Therefore, if the site is given permission I would recommend that conditions are used to ensure that certain works are carried out to minimise disturbance and that conditions are used to control noise, dust and air quality. Even with conditions in place it is likely that there will be some noise audible at neighbouring premises.

From the comments above the type of conditions that could be used include

- Submission of a dust management plan to be agreed by the Local Planning Authority and implemented thereafter
- Within a set period work shall be carried out to seal any gaps between the canopy roof and the existing/brick boundary wall.
- Any dusty material, including wastes, shall only be stored in specified

locations.

- Loading and unloading of material shall only take place in enclosed areas (could these be specified on a plan?)
- Details of the dust abatement used for the exhaust from the driers shall be accepted by the LPA and used as agreed thereafter.
- No visible dust or particulate matter shall be emitted beyond the site boundary,
- Dust monitoring shall be carried by the site operator out at agreed locations beyond the site boundary.
- All fuel used in the biomass burners shall comply with recognised standards for wood chip fuel (details to be confirmed, as new standards have been produced recently) and with a moisture content below 35%
- The flue emissions from the biomass boilers shall be monitored by the site operator and an alarm/warning system installed that alerts the operator when any smoke/water vapour is emitted, and also when the conditions likely to lead to smoke/water vapour being emitted have occurred.
- It may be possible to carry out particulate monitoring off site for a period of time to ensure compliance with the condition regarding particulate matter beyond the site boundary.
- A noise condition should be imposed requiring that the noise from the site shall not exceed background noise levels by a set amount (details being drafted)
- The operator shall submit a noise management plan that shall be agreed by the LPA and implemented thereafter
- The canopy roof shall be lined with a material to give it a construction with a weighted sound reduction index of 30dB Rw. This shall cover the entire canopy and include a continuous join with the solid/brick boundary wall and the existing building to the north.

Representations

Ward Cllr Stone - I am very concerned that the noise which the wood chipping machinery would make will be unacceptable. While the Noise Consultant's report comes to conclusions which are reassuring, these do not tie up in any way with the reports I have from people who have heard the machinery where it has been in operation. One report describes the noise as horrendous and of course there are residential properties very close to Walford Cross and the 50 houses of Durston are just down the road. I therefore formally object to this proposal and request that it go to committee for a decision.

18 letters of objection on grounds of

- transport and road safety with use of the A38/A361 junction which is dangerous.
- increase in traffic, parking in lane and congestion,
- increase in vehicle movements will generate pollution,
- speed of traffic using lane,

- dust generation will cause breathing difficulties
- 24 hour operation will detract from the quiet rural area,
- impact on health due to smoke and dust,
- concern over nature of wood used,
- noise and dust affecting village community and lifestyle in Creech Heathfield,
- impact on residential areas and gardens,
- impact on public safety,
- inaccuracy of noise report,
- noise impacts on sleep and thus affects health,
- fire risk on site, building not fit to hold flammable material,
- saw dust covers area and is a hazard to health,
- impact on health of asthmatics,
- emissions certificate is dated 2013 and an updated one should be applied for.
- smoke can blow across road and affect visibility,
- restriction on access to emergency services,
- noise disturbance at night, plumes of smoke and smell and the dust will harm local amenity contrary to policy DM1e of the Core Strategy.

1 letter from Chair of Durston Parish Meeting - the previous use and operation apparently did not affect nearby residential properties, however increased working hours and associated noise will do and must be taken into account. The buildings already in situ may not readily lend themselves to conversion and the location of certain types of work may have constraints placed upon them as to where they can be performed to reduce risk which again may need investigation. Parishioners are concerned that if other wood which has been treated with preservative and/or paints are processed then potentially carcinogenic compounds could be released into the atmosphere. Dust in its own right is known to be a significant risk both to human health and ignition. With immediate neighbouring buildings and others not far away 'down wind' the need for Environmental evaluations have been voiced including any potential for future operational expansion to ensure safe working operations can be achieved.

1 letter of no objection from a commercial use.

1 letter of support on basis of job provision to the area.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 CP2 - TD CORE STRATEGY - ECONOMY,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

There is no CIL liability (to the nearest £500).

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

Homes Bonus.

DETERMINING ISSUES AND CONSIDERATIONS

The main consideration with this proposal is the impact of the development on the amenity of the nearby residents. The use is an industrial one on an industrial estate and policy SS1 of the Core Strategy allows for future development for employment purposes at Walford Cross, although the current use proposed differs from the former B8 cold storage use.

Policy DM1 of the Core Strategy sets out the general requirements in assessing new development and states:

Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Management policies which apply in a particular case:

- a. Make the most effective and efficient use of land, giving preference to the recycling of previously developed land where this is in a sustainable location, and with the density of development varying according to the characteristics of the area, with the higher densities in centres and on public transport routes;
- b. Additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact;
- c. The proposal will not lead to harm to protected wildlife species or their habitats;
- d. The appearance and character of any affected landscape, settlement, building or street scene would not be harmed by the development;
- e. Potential air pollution, water pollution, noise, dust, lighting, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;
- f. The health, safety or amenity of any users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use;

In this instance therefore the main criterion of relevance is (e) relating to pollution, nuisance and amenity. The Environmental Health Officer has investigated these issues and further evidence has been requested and submitted in respect of noise, dust and air quality.

Noise _

The assessment of noise in terms of its impact on surroundings is set out in the government guidance Noise Policy Statement for England and Planning Practice Guidance (PPG). The aim of the Noise Policy Statement for England is to avoid significant adverse impacts on health and quality of life and to mitigate and minimise such impacts where they are identified. The Lowest Observed Adverse Effect Level (LOAEL) is the level above which adverse effects on health and quality of life can be detected. This clearly applies in this instance where there have been objections from the nearest residential properties. The SOAEL is next step up and is the Significant Observed Adverse Effect Level which is the level above which significant adverse

effects on health and quality of life occur. The aim is therefore to take all reasonable steps to mitigate and minimise adverse effects while also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur.

The applicant has undertaken a revised Noise Impact Assessment and this clarifies that the wood grinder will not be used on site and that the gable end of the building will be suitably finished to match the rest of the building with appropriate insulation to reflect that in the noise model. Background noise levels have also been taken and noise from the site assessed in terms of British Standards for assessment levels. The noise report identifies that the level identified will be below 0 decibels during the day and at night will be +3dBA. This level is likely to generate a noise impact between LOAEL and SOAEL and so is considered an acceptable level in light of the guidance and given the mitigation. The noise assessment does say that the rated night-time noise level will be 3dB above background, so it would not be unreasonable to have a condition saying that this 3dB level must not be exceeded, rather than 5dB level suggested by the applicant. The Environmental Health Officer has not raised an objection and supports the mitigation requirements identified and it is considered necessary to condition the exclusion of certain equipment, the carrying out of noise attenuation work as well as the imposition of a noise level condition in order to suitably mitigate the noise from the site. With these restrictions it is not considered that a condition on noise management is necessary.

Dust

The applicant has submitted a dust report and this identifies the sources of dust on the site and mitigation measures to prevent dust from extending beyond the site. These measures include manual water spraying and the use of a drier misting system and sealing of the window to the storage area. The latter work has only recently been completed. The report identifies that with a robust system of mitigation the dust source risk associated with the operation is low. However it is recognised that with the proximity of residential properties the mitigation must be maintained for the duration of the site operations. Conditions in respect of prevention and monitoring are proposed.

Air Quality

The applicant has submitted an Air Quality Assessment which has been assessed by the Environmental Health Officer. The report concludes that the level of pollution at nearby properties would be negligible and there is no need to raise the level of the flue. When running correctly the boilers should not produce smoke, however this has been witnessed by local residents and the Environmental Health Officer. This was likely due to water getting into the dry woodchip. A condition is recommended to monitor the emissions from the flues on the site and this is included as condition.

Other Issues

Access

The development utilises the existing access to the site with no proposed alterations. The site was previous used by Langdons as a storage and distribution depot with no

control over the number of vehicles using the site on a 24 hour basis. Consequently it is not considered that the existing use can warrant an objection on highway safety grounds given the level of use of the site.

The site has adequate parking proposed for the nature of the use within the site which employs 10 people without causing a problem. There are people who park in the lane outside of the site but this is not related to the development.

The further information submitted has been assessed by Highways England and they are satisfied with the submission and have not raised an objection to the scheme in terms of impact on the M5.

Drainage

The site lies within Flood Zone 1 and there is no flood risk identified. The site has an existing surface water drainage system which will not be affected by the development and there is not considered to be an increased risk of flooding elsewhere. The Environment Agency has been consulted and has not raised comment on the proposal.

Fire Risk

The site is controlled by a number of different regulations such as Fire Regulations, Building Regulations and Health and Safety all of which are independent of the planning system. The Fire Service has been notified of the development specifically as fire risk has been raised as an issue and has not raised any comments.

Summary

In conclusion the use of this site for drying wood chip has been commenced without the appropriate planning permission. The use is on an industrial site but in a location where a former unrestricted B8 storage use was carried out. While this is a material consideration it has to be borne in mind that the former use did not result in the problems now identified in terms of dust and noise by local residents living adjacent to the site. That said the NPPF sets out to support business uses in appropriate locations and guidance seeks to minimise impacts wherever possible. The main issues here therefore are whether the mitigation measures identified will be sufficient to overcome the objections raised to prevent an adverse impact contrary to policy DM1 of the Core Strategy. The advice from the Environmental Health Officer is to impose conditions to try and address complaints received. This also does not prevent action under nuisance or other environmental legislation. On balance the conditions to mitigate the use are considered appropriate and necessary and the application 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

16/15/0003

MRS JOSEPHINE O'CONNOR

CONVERSION FROM STORE/WORKSHOP TO STABLE INCORPORATING RAISING OF THE EAVES AND ROOF RIDGE PLUS ADDITION OF CANOPY TO THE WEST ELEVATION, CONSTRUCTION OF A MANEGE TO THE SOUTH AT KINLEIGH, FROG LANE, DURSTON.

Location: KINLEIGH, FROG LANE, DURSTON, TAUNTON, TA3 5AF

Grid Reference: 329039.127976

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 0615/278/010 Proposed Stable Plan
(A3) DrNo 0615/278/0011 Proposed Stable Elevations
(A3) DrNo 0615_278_020 Proposed Menage Plan
(A3) DrNo 0615_278_021 Proposed Menage Elevations
(A2) DrNo 0615_278_022 Proposed Block Plan
(A4) DrNo 0615_278_023 Proposed Location Plan
(A3) DrNo 0615_278_030 Proposed Menage Construction

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

3. The use of the manege and stables hereby permitted shall be limited to private use only and shall not be used for any business or commercial use.

Reason: Such a commercial operation has the potential to lead to unacceptable transport movements that may be unacceptable in terms of highway safety and foster increased need to travel as set out in Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

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

PROPOSAL

Kinleigh lies to the south of Durston, accessed by Frog Lane, a no-through road. The dwelling itself lies on a higher level than the lane whilst a concrete block and corrugated sheet agricultural building abuts the lane on the same ground level. To the south of this building is a higher agricultural building utilised for plant and machinery storage. To the south and west, a field lies on a higher level than the road.

This application seeks planning permission for the alterations and increase in height of the agricultural building to form a workshop, two stables and a tack room/office. It is also proposed to install a 42 metre by 20 metre manege to the south of the plant and machinery building. The manege would be surrounded by a post and rail fence and would be surfaced with wood chip. The agent has confirmed that no change in levels is proposed and that the facilities are for the applicants private use.

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

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

DURSTON PARISH COUNCIL - In favour of the application, it will have no detrimental effect on neighbouring amenities and will greatly improve appearance, security and weather-proofing of the ramshackle building. No increases in traffic flow or drainage issues are likely to arise.

Representations

None

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,

DETERMINING ISSUES AND CONSIDERATIONS

The building in question is reasonably low in height and lies in close proximity to a higher building. It would lie between the garage to Kinleigh, which is on a higher

level and the agricultural storage building which has a higher eaves and ridge. The proposed increase in height is not therefore considered to appear excessive in height or result in a building out of character with the surroundings. The enlargement through the addition of a canopy would face into the yard area and would not be clearly visible from outside of the site. The building is currently in a poor state of repair and the proposals would result in a positive impact upon the appearance of the lane.

The manege is tucked into an element of the field between the yard area and the road. The agent has confirmed that there would be no change in levels and consequently little interference with the natural topography of the site. It is proposed to erect a post and rail fence around the edge of the manege, which is a typical boundary treatment in rural areas. The site lies on a higher level than the road and is largely screened by the well established hedge/trees to both the roadside and the southern boundary. From the north, this would be screened by the existing agricultural building.

Whilst a large area of grass would be replaced with a new surface material, these alterations are at ground level and not clearly prominent in the surrounding landscape. Furthermore, the use of wood chip is considered to utilise a natural material, which is appropriate to the rural area. As such, the scheme is not deemed to harm the appearance of the rural landscape.

Equestrian developments such as this are a common sight in the countryside and it is considered that the manege would be integrated into the surrounding landscape to an acceptable level.

Due to the remote rural location, there are no direct neighbours to be affected by the scheme. The proposals are to be used for private purposes and are not therefore considered to increase vehicle movements to and from the site.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

49/15/0037

MR E & MRS P GAINES

OUTLINE PLANNING APPLICATION WITH SOME MATTERS RESERVED FOR THE REPOSITIONING OF THE VEHICULAR AND PEDESTRIAN ACCESS WITH ALTERATIONS TO DRIVEWAY FOR THE ERECTION OF 2 No DWELLINGS ON LAND AT TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE

Location: TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE, TAUNTON, TA4
2RE

Grid Reference: 308548.128032

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo 2406.08 Site Layout and Access as Proposed
(A1) DrNo 2406.09 Access Plan and Elevations Existing and Proposed
(A1) DrNo 2406.10 Turning Head Area Existing and Proposed
(A3) DrNo 2406.11 Location Plan for Outline Planning Application

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

3. No dwelling hereby permitted shall be occupied until the means of vehicular access to the site has been constructed in its entirety in accordance with the

plans hereby approved,

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

4. Before any dwelling hereby permitted is first occupied, the visibility splays shown on approved plan DrNo 2406.08 and 2406.09 shall be fully constructed before any dwelling hereby permitted is first occupied. Thereafter the visibility splays shall remain unobstructed above a height of 900mm adjoining the carriageway level to the satisfaction of the Local Planning Authority.

Reason: To preserve sight lines at the junction between the adopted highway and site access in the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. Details of the relative heights of the existing and proposed ground levels and the height of the ground floor of the proposed dwellings shall be submitted as part of the reserved matters application, as required by Condition 1 and the development shall be carried out wholly in accordance with the approved plans.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy Policies DM1 and CP8.

6. Prior to implementation, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatments shall be completed before the dwellings are first occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area 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 entered into pre-application discussions to enable the grant of planning permission.

PROPOSAL

The application seeks outline planning permission for the erection of two dwelling

houses on land at Tor House, Wiveliscombe.

The application forms and submitted plans do not indicate the scale of the proposed dwellings or the number of bedrooms that each would provide. Detailed approval of access and layout are sought at this stage, however only access is genuinely sought, with the layout referring solely to the revised access and driveway arrangements that will serve the proposed dwellings, and not the layout of the plots themselves. The proposals seek approval for works and changes to the existing site access and driveway.

It is proposed to rebuild the gate piers and stone boundary walls so as to improve visibility splays across the roadside frontage. Stone will be re-used for the walls and the gate piers will be of a matching design, scale and finish to the original structures. A retaining wall will be erected abutting the driveway; this will be finished with render. The driveway will be realigned at a gradient not exceeding 1 in 15 and surfaced in sustainable brick paving. Access to the proposed dwellings will be provided North of the two plots. A new turning head together with passing places will also be provided along the driveway and a new boundary wall with gates and piers will be erected between the driveway and retained Tor House curtilage as to provide an acceptable degree of separation.

SITE DESCRIPTION AND HISTORY

Tor House is an imposing residential property located East of Ford Road, Wiveliscombe. The site comprises a large, two storey dwelling house that is Grade II Listed, set within a large residential curtilage largely laid to lawn with domestic landscaping. The property benefits from vehicular access to the South, which enters the site along a narrow driveway. The roadside boundary comprises a natural sandstone retaining wall with tall gate pillars finished with render. There are residential properties to the North and South of the site and planning permission has recently been granted for the conversion of an outbuilding to a separate dwelling house, LPA reference s 49/15/0009 and 0012LB.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE TOWN COUNCIL - Support the application but would like to comment on the access to the proposed two new dwellings and the two existing dwellings.

Are the visual splays adequate for the current dwellings and the proposed new dwellings and has consideration been taken regarding the increase in traffic using the nearby junction due to new housing developments also can the visual splays be maintained.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice applies and requires:

- Visibility splays of 2.4 x 43m in either direction, measured to the nearside carriageway edge.
- Provision of adequate drainage so that surface water does not drain from the

site onto the highway or vice versa.

- The access should have a minimum width of 3m with a minimum of 5m over a minimum 6m length where more than 1 dwelling is served.
- The access should be properly consolidated for the first 5m and must not exceed a gradient of 1 in 10 for the first 6m from the edge of the adopted highway.
- Vehicular entrance gates should be set back a minimum distance of 6m from the carriageway edge and should open inwards. Pedestrian gates should open inwards.
- On site turning space should be provided where the proposal derives access from a classified road.
- Turning will be required, independent of the necessary parking provision where an access is onto a classified road.

HERITAGE - The proposed new build and entrance would not impact on the setting of the listed Tor House. The roadside boundary wall is curtilage listed and listed building consent is required for the proposed alterations - but I have no objections to this provided the piers are reinstated in the proposed position.

DRAINAGE ENGINEER - Soakaways should be constructed in accordance with British Standards.

LANDSCAPE - Alterations to the access will impact upon street scene but will be relatively small in comparison to present road works taking place on Burgess Lane. If roadside holm oak tree is retained the tree officer will require a Method Statement. Landscape condition required given further tree felling within the site.

WESSEX WATER - No objection. Standard advisory comments provided.

Representations

1 letter received making the following comments:

- Have parked car off the road on land in front of Newtons for 30 years as it would be one car less for the limited parking now available in the area. Will any parking be available? The visibility splay doesn't seem to offer any views towards Ford, surely just as important for safety reasons?

PLANNING POLICIES

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

NPPF - National Planning Policy Framework,

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,

CP4 - TD CORE STRATEGY - HOUSING,

CP8 - CP 8 ENVIRONMENT,

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DM2 - TD CORE STRATEGY - DEV,

LOCAL FINANCE CONSIDERATIONS

Development is CIL Liable and attracts a rate of £125 per square metre of new floor space. No floor plans provided at this stage therefore CIL cannot be calculated.

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)	£2158
--	-------

Somerset County Council (Upper Tier Authority)	£540
--	------

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£12949
--	--------

Somerset County Council (Upper Tier Authority)	£3237
--	-------

DETERMINING ISSUES AND CONSIDERATIONS

The application seeks outline permission with detailed approval of access. The pertinent issues to consider are therefore the principle of the development and the impact on the highway network.

It has been established that the proposals will not adversely impact upon the setting of the Grade II Listed Building of Tor House and it is generally considered that any possible issues with amenity can be suitably designed out of any final development proposal.

Principle

The proposed development will be sited within the residential curtilage of Tor House, although part of the affected curtilage area falls partially outside of the settlement limits of Wiveliscombe. Planning policy does not ordinarily support new residential development outside of settlement limits, however in this instance plot 1 straddles the settlement boundary line, being partially in and partially outside of the settlement limit, while plot 2 is sited adjoins the settlement limit. A residential development site that falls outside of settlement limits is normally considered to be within open countryside where planning policy would not allow the creation of new dwelling houses. It is, therefore, contrary to Policy CP8 of the Taunton Deane Core Strategy.

In this particular case, however, the site is found to be partially within and adjoining the settlement limit; it is located within existing gardens used by Tor House; it does not encroach onto agricultural land and is not within an isolated location. The site is surrounded by residential properties to the North, South and West; the siting of the two plots is such that there would be no significant encroachment into any area of open countryside. When seen from the limited public vantage points available in the area, the proposed dwelling houses would be viewed in conjunction with the neighbouring residential properties and will not stand alone within the landscape. It is considered that a well designed scheme can make a positive contribution to the character and appearance of the area whilst maintaining the setting of the Listed

Building.

Wiveliscombe is identified as a Major Rural Settlement by Policy SP1 of the Taunton Deane Core Strategy; the application site is well located and within close proximity to the wide range of services and facilities that the town has to offer. Education, retailing, health care and employment opportunities can all be accessed on foot and bicycle from the site, along safe well lit routes that provide pedestrian footpaths through to the town centre. Such ensures that the proposed development will not foster a need to travel by unsustainable modes such as private motor vehicle.

The NPPF makes it clear that the role of the planning system is to contribute towards the achievement of sustainable development and that to do so the system should perform economic, social and environmental roles that are intrinsically linked. From an economic perspective, the proposed development will make good use of an otherwise under utilised area of residential curtilage; the residential development will create employment opportunities within the local labour market, increase local expenditure and demand for services, contribute towards New Homes Bonus, CIL and Council Tax payments within Taunton Deane; and facilitate increased expenditure from new residents that will remain within the Wiveliscombe and rural area

Socially, the development will provide new, high quality housing within a sustainable location that meets the needs of present and future generations; the principle of good design can have a direct benefit to people's quality of life. New housing can attract new individuals and families to an area thus supporting strong, vibrant and diverse communities. In addition, an increase in local population will increase accessibility to local services and spending within, thereby supporting health, social and cultural well being.

Environmentally, the development will provide high quality, sustainable design; protect the historic environment and protect open countryside by making good use of an otherwise redundant area of residential curtilage. Due to the sustainable location of the site, there will be less pressure on incoming residents to use unsustainable modes of transport to access local services and facilities.

The proposals are considered to represent a sustainable development in accordance with guidance set out within the NPPF. The proposal will also make a small contribution to the Borough's housing supply. Whilst this is not a significant contribution in this case, given the lack of identifiable harm, that the site is partially sited within the settlement limit of Wiveliscombe where new residential development is acceptable in line with Policy SP1 of the Taunton Deane Core Strategy, the principle of the proposed development here, taking into account other considerations such as visual impact and recent approvals for similar sites across the Plan area, it is considered to be acceptable in this instance.

Access

The access that currently serves To House and Tor View is derived off Ford Road to the West. Existing visibility splays are impeded by boundary walls, gate piers and adjoining planting and the driveway is narrow with no passing places other than the main parking area.

The proposals will see the roadside walls and gate piers demolished and rebuilt further into the site, thereby improving the visibility splay available across the site frontage to both the North and South. The splays will not meet the requirements of the Highway Authority Standing Advice document which requires 2.4m x 43m splays in a 30 mph zone, however, the existing splay affords 2.4m x 4.5m to the North and 5.6m to the South. The proposed access works will provide 2.4m x 34m to the North and 23m to the South, a significant improvement to the safety of the access for Tor House and such is considered to be acceptable in this location as to serve two additional plots.

The internal layout of the access drive, parking, turning and passing places are acceptable in design terms. The plots are considered to be of sufficient size as to accommodate a four bedroom dwelling, enclosed gardens and parking for three vehicles each and such will be controlled through the final design scheme and a reserved matters application.

In conclusion, the access to the site is considered to be acceptable and will not result in any severe impacts upon highway safety.

Conclusions

The proposed dwellings can be accommodated within the site without harm to the visual or residential amenity of the area, highway safety and the setting of Tor House. The proposals would be sited partially within and adjacent to the settlement boundary of Wiveliscombe and not within an isolated location within the landscape. The principle of this development is similar to other schemes permitted elsewhere within Wiveliscombe and the wider Borough, where sites in sustainable locations adjoining settlement limits have been supported by the Council.

Having regard to the above considerations, the proposal is considered acceptable and it is therefore recommended that the application be approved.

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

49/15/0038/LB

MR E & MRS P GAINES

FORMATION OF REPOSITIONED VEHICULAR ACCESS FROM FORD ROAD, NEW DRIVEWAY WITHIN SITE INCLUDING ASSOCIATED NEW WALLS AND ALTERATIONS TO EXISTING WALLS AT TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE

Location: TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE, TAUNTON, TA4
2RE

Grid Reference: 308565.128048

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

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

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

(A1) DrNo 2406.08 LB Site Layout and Access As Proposed
(A1) DrNo 2406.09 Access Plan And Elevations Existing And Proposed
(A1) DrNo 2406.10 Turning Head Area. Exisisting And Proposed
(A3) DrNo 2406.12 Location Plan For Listed Building Application

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

3. Only those materials specified in the application and identified on the approved plans shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DM1 and CP8 of the Taunton Deane Core Strategy and the relevant guidance in Section 12 of the National Planning Policy Framework.

4. No development, excluding site works, shall begin until a panel of the proposed stone work for the walls to be erected in accordance with the approved plans and measuring at least 1m x 1m has been built on the site. Both the materials and the colour and type of mortar for pointing used within the panel shall be agreed in writing by the Local Planning Authority prior to application and the development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DM1 and CP8 of the Taunton Deane Core Strategy and the relevant guidance in Section 12 of the National Planning Policy Framework.

Notes to Applicant

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

PROPOSAL

The application seeks Listed Building Consent for alterations and works affecting vehicular access, boundary walls and gate pillars at Tor House, Wiveliscombe.

The proposed works seek to provide a betterment to the existing access arrangement serving Tor House and Tor View; the works would also benefit the associated planning application (49/15/0037) that seeks outline permission for the erection of two new dwelling houses within the property.

The roadside stone walls and wall abutting the driveway will be removed and replacement structures erected. The roadside walls will be faced with reclaimed stone and new gate pillar constructed to replicate the original; these works will provide visibility splay improvements. The retaining wall abutting the driveway will be finished with render and the driveway will be realigned at a gradient not exceeding 1 in 15. A new turning head together with passing places will also be provided.

SITE DESCRIPTION AND HISTORY

Tor House is an imposing residential property located East of Ford Road, Wiveliscombe. The site comprises a large, two storey dwelling house that is Grade II Listed, set within a large residential curtilage largely laid to lawn with domestic landscaping. The property benefits from vehicular access to the South, which enters the site along a narrow driveway. The roadside boundary comprises a natural sandstone retaining wall with tall gate pillars finished with render. There are residential properties to the North and South of the site and planning permission has recently been granted for the conversion of an outbuilding to a separate dwelling house, LPA reference s 49/15/0009 and 0012LB.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE TOWN COUNCIL - The Town Council support the application but would like to comment on the access to the proposed two new dwellings and the two existing dwellings.

Are the visual splays adequate for the current dwellings and the proposed new dwellings and has consideration been taken regarding the increase in traffic using the nearby junction due to new housing developments also can the visual splays be maintained.

Representations

None received.

PLANNING POLICIES

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

DETERMINING ISSUES AND CONSIDERATIONS

Applications for listed building consent must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant listed building consent, the Local Planning Authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposed works effect the boundary walls of Tor House, which are considered to be listed as curtilage features associated to Tor House. The relaying of the access drive and provision of additional hardstanding areas within the property do not affect the listed building and do not specifically require Listed Building Consent. The issue of the impact of these works upon highway safety, as raised by the Town Council, falls to be considered under the corresponding planning application and not this application for Listed Building Consent.

The realigned road side walls and gate pillars will be finished in materials that replicate the existing structure. it is considered that there will be no significant harm to these elements of the heritage asset as a result. The use of render to finish the retaining walls erected along the driveway edge will be in keeping with the general finish and appearance of the main Listed Building and is appropriate in the context of the site.

The proposed works will have a minimal impact upon the heritage asset and will not materially harm the appearance of the walls and site in general. The Council's Conservation Officer has commented on the corresponding planning application and raises no objection, subject to the piers being reinstated in the proposed position. As a consequence the proposals will preserve the historic interest of these features as is required by Section 16 of the Act. In addition, the proposals will provide betterment to the existing access through improved visibility splays which are considered to provide appropriate justification for the works to the road side walls.

Having regard to the above matters, the proposed works are considered to comply with Policy CP8 of the Core Strategy and guidance set out within Section 12 of the National Planning Policy Framework, in particular Para 134. It is therefore recommended that Listed building Consent be approved.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

38/15/0375

MR & MRS SQUIRE

CONVERSION OF ROOF SPACE AT 56 MOUNTFIELDS ROAD, TAUNTON

Location: 56 MOUNTFIELDS ROAD, TAUNTON, TA1 3BJ

Grid Reference: 323546.123293

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:

(A1) Dr No J134/03 Survey and Proposal Drawing

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

3. The window(s) in the side (west) elevation shall be glazed with obscure glass 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.

Reason: To ensure the privacy of the adjoining occupiers in accordance with retained Policy H17(A) of the Taunton Deane Local Plan.

Notes to Applicant

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

PROPOSAL

Construction of a hipped roof dormer window on the side (west) of the property. The dormer will have a hipped roof and will be clad with tile hanging to match the existing roof. The window that will serve the dormer will be obscure glazed and openable and will serve the proposed stairway up to the proposed bedroom and en-suite. The dormer needs permission as the window is openable.

The application is being presented to Planning Committee as the Agent is related to a Member of Staff.

SITE DESCRIPTION AND HISTORY

56 Mountfields Road is a semi-detached property which is part brick and part render under a tiled hipped roof. There is a window on the existing side elevation that serves the staircase.

There have been other dormer windows along some of the properties within Mountfields Road and also side extensions, which vary in style and design.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

None received.

Representations

None received.

PLANNING POLICIES

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

LOCAL FINANCE CONSIDERATIONS

Not applicable in this instance.

DETERMINING ISSUES AND CONSIDERATIONS

The proposed dormer will be constructed on the side elevation facing the adjacent neighbour. The window contained within the dormer will be obscure glazed and serves the new staircase. The retention of this glazing for the future has been controlled by condition. Therefore, it is considered that there will be no additional

overlooking from the proposed window than from the existing window on the side elevation. There are other dormer windows and side extensions along the street that differ in size and design. In this regard the dormer, will not cause a harmful impact on the street scene and is therefore considered to be acceptable.

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

CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462

38/15/0394

TAUNTON DEANE BOROUGH COUNCIL

ERECTION OF TWO STOREY EXTENSION TO THE SIDE AND REAR OF DWELLING AND FORMATION OF VEHICLE HARDSTANDING/VEHICLE CROSSING AT 11 BELMONT ROAD, TAUNTON

Location: 11 BELMONT ROAD, TAUNTON, TA1 5NS

Grid Reference: 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:

(A2) DrNo J118/02B Proposed Plans and Elevations

(A3) Dr No J118/01 Existing Ground and First Floor Plan, Existing S, E and N Elevation Location Plan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (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 west or east elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining 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

Erection of a two storey hipped roof extension at the rear and side of the property, to provide an additional bedroom and bathroom at first floor level and a living room and wet room at ground floor level. The proposed extension will project from the rear elevation by 3m by 5.5m and will wrap around the side elevation and project 1.8m with a depth of 6m. There are no windows shown on the east or west (the side) elevations. The proposed new windows will look down the rear garden at both ground and first floor levels. The extension will be finished in facing brick and tiles to match the existing property.

The plans that were initially submitted showed the extension projecting 3.69m from the rear of the property. After discussions with the Housing Project Manager this has been reduced to 3m and amended plans have been received.

In addition, it is proposed to construct a tarmac surfaced driveway with a turning head at the front of the property.

The application is being presented to Planning Committee as the Agent is related to a Member of Staff.

SITE DESCRIPTION AND HISTORY

11 Belmont Road is a semi-detached, hipped roof property that is finished in brick under a tiled roof. There is a pedestrian door and a landing window currently in the side (east) elevation. The existing brick built outhouse is attached to the similar one on the boundary at 13 Belmont Road. This will be removed as part of the application.

A 1.8m fence encloses the garden.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

None received.

Representations

Letter received from 13 Belmont Road raising concerns with regards to the reduction in sunlight on the back garden, the brick shed at the rear of the property would become unsafe and overlooking will occur as the windows on the side are too close.

PLANNING POLICIES

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

LOCAL FINANCE CONSIDERATIONS

Not applicable in this instance.

DETERMINING ISSUES AND CONSIDERATIONS

The main issues for consideration are the impact on the character of the building and the amenity of the neighbours.

A two-storey extension is proposed at the rear of the property and wraps around to the eastern side. There are no windows shown on either side elevation of the extension and this has been controlled in the future by condition. This will restrict any windows being added without the benefit of planning permission and protect the amenity of the neighbours. The windows in the new bedroom and living room look towards the rear garden and the ones in the wet room and bathroom to the front. The design of the extension will reflect the existing property and the reduction in the size of the extension brings the projection in-line with that which could be erected as permitted development, albeit without the wrap around element. The impact on the neighbour in terms of light and proximity is therefore considered to be an acceptable one.

The extension is considered acceptable in terms of size, scale, materials and design and will not harm the character of the dwelling. There will be no additional overlooking issues as the windows will be facing towards the rear garden. The maintenance of the adjoining brick outhouses is not a planning matter and would need to be addressed as a civil matter between the neighbour and applicant.

The provision of the hard standing and turning head at the front of the property does not cover the front garden in its entirety, therefore part of the garden will be available for any surface water to drain within the curtilage of the property and not onto Belmont Road.

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

CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462

APPEALS RECEIVED

Site: NORTH HEYWOOD FARM, STAWLEY, TA21 0HW

**Proposal: PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM
AGRICULTURAL BUILDING TO DWELLING HOUSE (USE CLASS 3) AND
ASSOCIATED BUILDING WORKS AT NORTH HEYWOOD FARM, STAWLEY**

Application number: 35/15/0019CMB

Appeal reference: APP/D3315/W/15/3137526

APPEALS RECEIVED

Site: 19 ARDWYN, WELLINGTON, TA21 8BW

Proposal: ERECTION OF A TWO STOREY AND SINGLE STOREY EXTENSION
TO THE REAR OF 19 ARDWYN, WELLINGTON

Application number: 43/15/0090

Appeal reference: APP/D3315/D/15/3135974

Appeal Decisions

Site: 55 Richmond Road Taunton

Proposal: ERECTION OF REPLACEMENT SINGLE STOREY AND TWO STOREY EXTENSION TO THE REAR OF 55 RICHMOND ROAD, TAUNTON.

Application number: 38/15/0049

Reasons for refusal

1. The proposed design of the two storey extension, by virtue of its flat roof, will detract from the character and appearance of the building within the terrace and as such the proposal is contrary to the retained Policy H17(C) of Taunton Deane Local Plan and Policy DM1(d) of Taunton Deane Core Strategy.

Appeal decision: ALLOWED

Site: LAND AT BAKERS FIELD, CURLAND, TAUNTON, SOMERSET

Proposal: PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM AGRICULTURAL BUILDING TO DWELLING HOUSE (USE CLASS C3) AND ASSOCIATED BUILDING OPERATIONS AT LAND AT BAKERS FIELD, CURLAND

Application number: 15/15/0001

Reasons for refusal

The Local Planning Authority considers that the site was not used solely for an agricultural use, as part of an established agricultural unit on 20th March 2013. Therefore, the proposed development does not comply with the limitations or restrictions set out in Schedule 2, Part 3, Class MB, paragraph MB.1 (a) of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 and it is not permitted development.

Appeal decision: DISMISSED

Appeal Decision

Site visit made on 21 September 2015

by **G P Jones Bsc(Hons) MA MRTPI**

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

Decision date: 08 October 2015

Appeal Ref: APP/D3315/D/15/3062070

55 Richmond Road, Taunton, Somerset, UK TA1 1EN

- 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 Mr John Murray against the decision of Taunton Deane Borough Council.
 - The application Ref 38/15/0049, dated 4 February 2015, was refused by notice dated 7 April 2015.
 - The development proposed is described as 'Existing extension had to be demolished due to dangerous brickwork. Proposed works are to reinstate previous two storey extension with slightly larger ground floor footprint'.
-

Decision

1. The appeal is allowed and planning permission is granted to reinstate previous two storey extension with slightly larger ground floor footprint at 55 Richmond Road, Taunton, Somerset, UK TA1 1EN in accordance with the terms of the application, Ref 38/15/0049, dated 4 February 2015, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: jpm/7050, jpm/7051, JPM/7052, JPM/7053, JPM/7054, JPM/7055, JPM/7056, JPM/7057 and JPM/7058.
 - 2) Unless within two months of the date of this decision a scheme for the details of the materials to be used in the construction of the external surfaces of the building hereby permitted, is submitted to the local planning authority for approval, and unless the approved scheme is implemented within six months of the local planning authority's approval, the occupation of the building hereby approved shall cease until such time as a scheme is approved and implemented.
 - 3) If no scheme in accordance with condition 2 above is approved within eight months of the date of this decision, the occupation of the building hereby permitted shall cease until such time as a scheme that has been approved by the local planning authority is implemented.

Procedural matters

2. For the sake of consistency I have used the description of development that was contained in the original application form, even though this differs from that given in the Council's decision notice.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the host property.

Reasons

The effect of the proposal on the character and appearance of the area, having particular regard to the host property

4. The appeal property lies within a block of terraced properties that are all of a similar appearance in terms of their front elevations. However, there are a variety of architectural styles within the surrounding area, and the Council considers that the rear elevations of this terrace of properties also contain a variety of styles. The proposed development is a replacement ground floor rear extension and a replacement first floor rear extension. At the time of my site visit the proposal had been commenced but not completed as the blockwork walls of the ground floor extension had been constructed, and the first floor rear extension that had previously existed had been removed.
5. The proposed ground floor rear extension would be a replacement of a previous rear extension that would be of the same depth but would be wider as it would cover almost the entire width of the rear elevation. The proposed first floor rear extension is also a replacement of a previous extension and it would be of similar depth and width as the previous extension, and would cover approximately half of the width of the property's main rear elevation.
6. The majority of the properties in this stretch of Richmond Road do have both ground floor and first floor rear extensions. The depth of the ground floor extension would match the depth of the ground floor extension at No. 53. In addition, although wider than previously, the width and height of the rear ground floor extension would be such that the extension would still appear subservient to the host property and generally in keeping with that of other rear extensions in the locality. Therefore I consider that both the scale and design of this element of the proposal would not be significantly detrimental to the character or appearance of either the area or the host property.
7. The main difference of the reasonably small scale replacement first floor extension would be the proposed use of a flat roof rather than a 'cat slide' roof. Nearly all of the first floor extensions in this stretch of terraced properties have 'cat slide' tiled roofs that adjoin the main roofs and blend in accordingly. The exception to this is the first floor rear extension at No. 47 that lies a few doors away and which has a flat roof enclosed by a parapet wall. In addition, the appellant has cited a number of flat roof dormer extensions that are located within the area.
8. The appellant contends that providing a replacement cat slide roof would result in an inadequate amount of headspace in the first floor extension, since the ground floor extension has had to be built up to a higher ground level to provide a level floor throughout the ground floor area. From the evidence of my site visit I could see that this was indeed the case, and there was a difference in levels between the replacement ground floor extension and the adjoining rear garden area.
9. The replacement first floor extension would be relatively small scale in nature and it would sit below the eaves of the main roof. Consequently it would

appear subservient to both the main property and the proposed ground floor extension. Although the proposal would mean that the first floor flat roof of No. 55 would be juxtaposed with the cat slide roof of the first floor extension of No. 53, I do not consider that this would be significantly detrimental to the character and appearance of the area. Furthermore, due to its scale and location on the rear elevation, and the fact that there are already examples of first floor and dormer extensions with flat roofs in the locality, I consider that the proposal would not be significantly detrimental to the existing character and appearance of the area nor to the host property.

10. As such I consider that the proposal would accord with retained Policy H17(C) of the Taunton Deane Local Plan, adopted November 2004, and Policy DM1(d) of the Taunton Deane Core Strategy 2011-2028, adopted September 2012, that both seek, among other matters, to ensure that developments, including extensions, do not harm the form and character of the dwelling and are subservient in scale and design.

Personal circumstances

11. The appellant has made reference to personal circumstances and the Public Sector Equality Duty. However, given my aforementioned conclusion, this matter would not be determinative and it is not necessary to consider it any further.

Other matters

12. The appellant has proposed that a parapet wall could be constructed around the perimeter of the first floor extension. However, such a proposal was not part of the original application and I have no plans before me that depict such a proposal. Therefore I have considered this appeal on the merits of the details that were originally submitted.

Conditions

13. In addition to the standard condition which limits the lifespan of the planning permission, the Council has suggested a number of conditions in the event that the appeal succeeds. I have considered these in the light of the advice contained within the Planning Practice Guidance (the PPG). In allowing the appeal I shall impose conditions accordingly, improving precision where necessary in accordance with the advice in the PPG. However, as the development has clearly already commenced I cannot impose the standard time limit condition for commencement that the Council has recommended.
14. A condition to direct that the development accords with the approved plans is required for the avoidance of doubt and in the interests of proper planning. A condition requiring details of external materials is required to ensure that the materials would accord with the character and appearance of the area and of the host dwelling. Due to the difference in external finishes between the original part of the property and the proposed extensions, and the fact that a flat roof is proposed, a materials condition requiring details to be submitted for approval, rather than one that only requires the proposed materials to match the existing, is considered necessary.
15. The purpose of conditions 2 and 3 is to require the appellant to comply with a strict timetable for dealing with the submission of the details of external materials which needs to be addressed in order to make the development

acceptable. The purpose and effect of the conditions is therefore to ensure that the occupation of the building authorised by the grant of planning permission may only continue if the appellant complies with each one of a series of requirements.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

GP Jones
INSPECTOR



Appeal Decision

Site visit made on 21 September 2015

by **G P Jones Bsc(Hons) MA MRTPI**

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

Decision date: 12 October 2015

Appeal Ref: APP/D3315/W/15/3070027

The Barn at Baker's Field (Grid Ref - 327847, 117323), Curland, Taunton, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by Mr Andrew Helliar against the decision of Taunton Deane Borough Council.
 - The application Ref 15/15/0001/CMB, dated 9 February 2015, was refused by notice dated 10 April 2015.
 - The development proposed is prior approval of proposed change of use of agricultural building to a dwellinghouse (use class C3), and for associated operation development.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Andrew Helliar against Taunton Deane Borough Council. This application is the subject of a separate Decision.

Procedural matters

3. The application that is the subject of this appeal was made under the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, the 1995 Order has been superseded by The Town and Country Planning (General Permitted Development)(England) Order (GPDO) that came into force on 15 April 2015. Under the new GPDO permitted development rights for the change of use of agricultural buildings to dwelling houses now fall under Class Q of Part 3 to Schedule 2, rather than Class MB. As such, the effect of the Interpretation Act 1978 is that anything done under the revoked Class MB now has effect as if done under Class Q. Accordingly I refer to the provisions of Class Q in reaching my decision.
4. The provisions under Class MB have been replaced by similar provisions under Class Q. However, there are slight differences between the two Orders that are of relevance to this appeal. Class Q.1(a)(ii) of the GPDO now states that: 'in the case of a building which was in use before that date but was not in use on that date, when it was last used'. Whereas Class MB.1(a)(ii) of the 1995 Order stated that: 'if the site was not in use on that date, when it was last in use'.

5. As the application is for prior approval under Schedule 2, Part 3, Class Q of the GPDO, matters such as housing land supply and use by an agricultural worker are not considered relevant and have not been given any weight.
6. For the sake of consistency I have used the description of development as stated in the application form, even though it refers to 'operation development', rather than the more customary 'operational development'.

Main Issue

7. The main issue is whether the proposed development is one which is permitted by the provisions of Schedule 2, Part 3, Class Q of the GPDO, and if so, whether prior approval should be granted.

Reasons

Whether the proposed development is one which is permitted by the provisions of Schedule 2, Part 3, Class Q of the GPDO, and if so, whether prior approval should be granted.

8. The barn that is subject to this application is in a rural location on the outskirts of the small hamlet of Curland. The barn could be accessed directly off Baker's Lane via a gated entrance, although the access used for the site visit was via the gate that lies at the junction of Baker's Lane and Muttonrib Lane. The barn lies in the northern part of a field that is enclosed on all sides by hedegrows interspersed in places with some mature trees. At the time of my site visit the barn was largely empty except for two small hay bales and an old oil drum.
9. The refusal of the prior approval now falls under the terms of Q.1(a) of the GPDO which are that the site was not used solely for an agricultural use as part of an established agricultural unit on 20th March 2013, and in the case of a building which was in use before that date, but was not in use on that date, when it was last in use.
10. The appellant does not provide any evidence that the site was in agricultural use on 20 March 2013, and it is stated in the appellant's Final Comments that the field was used by the appellant's family prior to 2004 for the production of hay. The appellant claims that the site is part of the New England agricultural unit, agricultural holding number 36/267/9001, and has been previously been in agricultural use and has not been used for any other purposes since. A number of livestock movement records have been provided by the appellant to support this case. However, these movement records would seem to relate to the overall agricultural unit of New England and not specifically to this field, now known as Baker's Field, within which the barn is located.
11. A number of people have disputed the appellant's assertion and instead contend that this field, which contains the barn and its curtilage, has never been in established agricultural use. However, on the balance of

probability I consider that the field within which the barn is located has been used at some time in the past for an agricultural use, and it has not been used for any other purpose since this last agricultural use.

12. The appellant contends that the barn was constructed in 2008 and this has not been disputed by any other of the parties. The appellant has not provided any evidence to confirm that the barn was in agricultural use on 20 March 2013. However, the appellant contends that here have been times since its

construction when the barn has been used for the storage of straw and as such has had an agricultural use as its last use prior to 20 March 2013.

13. Although not specifically referred to in the Council's decision notice, the officer's report and a number of representations from both Neroche Parish Council and members of the public, to both this and previous applications, claim that the barn building has been boarded up ever since it was constructed in 2008 and has never been used. Minutes have been provided of an Extraordinary Meeting of Neroche Parish Council in August 2014 in which the appellant is reported as confirming that the barn has never been used to house animals or agricultural equipment.

14. The appellant has not provided any specific evidence to demonstrate that the barn was ever brought into an agricultural use or any other use. The photographs contained in Appendix 1 of the appellant's Final Comments show the barn to be boarded up and both the barn and the immediately surrounding area to be in a broadly similar condition to that when I conducted my site visit. On my site visit I observed that there was no clear evidence of farm machinery tracks leading to this barn and I also noted that the boarding was relatively easy to remove. Despite the presence of two small hay bales, the barn did not have the appearance of having ever been used for any agricultural purpose.

15. Given the conflicting information I have referred to above, together with the paucity of substantive evidence before me, I am unable to conclude that the appeal building was used for an agricultural use as part of an established agricultural unit, when last in use before 20 March 2013. As such, the proposal would fail to satisfy the requirements of paragraph Q.1(a)(ii) and therefore it would not be permitted development under Class Q.1(a) of the GPDO.

16. As regards the matter of the installation of the two proposed dormer windows in the front (southern) elevation of the building, I consider that these would have the effect of extending the external dimensions of the building beyond the external dimensions of the existing building, and as such would not accord with Q.1(g) of the GPDO. The appellant contends that these dormer windows would not increase the floorspace of the building. However, the test required in Q.1(g) of the GPDO specifically refers to the external dimensions of the building and not the floorspace. I note the appellant's proposal that a planning condition could be imposed to ensure that rooflights rather than dormer windows would be installed. However, such a proposal is not

indicated on any of the plans that are before me for consideration and in reaching my decision I have only considered the scheme that has been proposed.

17. The Council did not refuse the proposal on the grounds of the criteria detailed in Q.2(1) (a) to (f) inclusive of the GPDO as it only considered the matters pertaining to Q.1(a). As I am dismissing this appeal for other reasons I have also not considered the proposal in terms of the criteria contained within Q.2(1) (a) to (f) inclusive of the GPDO.

Conclusion

18. For the above reasons, and having regard to all other matters raised, I conclude the appeal should be dismissed.

GP Jones

INSPECTOR

Taunton Deane Borough Council

Planning Committee 4 November 2015

Proposed changes to Constitution – amendments to recommendations at Planning Committee

Report of the Solicitor to the Council

(This matter is the responsibility of Executive Councillor Habgood)

1. Executive Summary

This report seeks Members' views on changes which are being proposed to the Council's Constitution, which if ultimately approved, will allow the Planning Committee to propose that applications for planning permission be determined contrary to the officer recommendation.

At present, the Constitution's definition of "amendment" does not allow this.

2. Background

2.1 Following recent meetings of the Committee, officers have been considering possible changes to the procedures under which Members consider applications for planning permission, as set out in Part 4 of the Council's Constitution (Rules of Procedure).

2.2 At present, Part 4 paragraph 6 limits the range of potential amendments to substantive motions which may be proposed at Planning Committee. In particular, paragraph 6 states that amendments as proposed "*shall not have the effect of introducing a significantly different proposal or of negating the motion*".

2.3 The current arrangements within the Council Constitution in Part 4 operate well at Full Council and at most of the Council's Committees. However, it is arguable that they do not align satisfactorily with the decision making process under which the Planning Committee determines applications for planning permission, where a decision which is entirely contrary to the "motion" (or recommendation) is entirely possible.

- 2.4 Specifically, paragraph 6 prevents Members from proposing that an application should be refused where the officer recommendation is that planning permission should be granted. (Obviously it also prevents Members from proposing that permission be granted where the officer recommendation is for refusal).
- 2.5 Accordingly, the Constitution in its current form has the effect of limiting the Planning Committee's ability to debate applications in a flexible and responsive way (and in this regard differs from virtually every other local authority Planning Committee, including West Somerset).
- 2.6 On two recent occasions at the September Committee, Members voted against the officer recommendation for approval. However as the discussion up to that point had effectively been framed by the officer recommendation, no potential detailed reasons why the applications should/could be refused had been identified. There had also been no detailed debate on whether any such reasons were viable as a justification for refusal, or whether they had a reasonable prospect of being upheld on appeal.
- 2.7 As a result, Members – having voted down the recommendation to grant permission - were placed in a position where they then had to identify reasons which would support the refusal to which they had effectively already committed themselves.
- 2.8 In the view of officers, this current arrangement creates the potential for situations in which Members are placed under pressure to come up – almost retrospectively - with reasons for refusal to justify their rejection of officer recommendations (often in a situation in which the applicant or their agent is in the room). It also deprives the Committee of the opportunity to discuss in detail (and debate) potential reasons for refusal of the application – and if necessary obtain officers' advice on the issues – prior to (rather than after) the point at which Members have still to reach an overall view on the application i.e. at a time when a discussion on the viability of a decision contrary to officer recommendation can still have a meaningful influence on the Committee's ultimate decision.
- 2.9 Officers' view is that such difficulties can be avoided in future by a straightforward amendment to paragraph 6 of the Rules of Procedure, insofar as it applies to Planning Committee.
- 2.10 The effect of the proposed change would be to allow Members to propose a determination of any application in a manner wholly contrary to the officer recommendation, subject to (a) any proposal being seconded and (b) the Member/s making the proposal indicating possible planning reasons for the proposal at the time that their proposal is made.

2.11 In officers' view, there would be significant advantages to the Planning Committee operating in this amended manner. In the case of an amendment proposing refusal, the Committee would be able to consider the planning reasons advanced in support of the amendment, and adjust and refine (and potentially add to) these reasons in the course of discussion. In this manner, any final decision made contrary to officer recommendation would by definition only follow a comprehensive discussion of all relevant issues. In a situation where Members are proposing a grant of planning permission contrary to officer recommendation, this will allow the Committee to consider in full detail the need for any conditions which could potentially be needed in order to make the development acceptable.

2.12 On this basis, the proposed amendments to paragraph 6 of the Constitution would take the following approach:

- a. The changes would only have effect in relation to Planning Committee and the determination of applications.
- b. Full Council and all other Committees would still be subject to paragraph 6(1) to (6), with the arrangements relating to amendments remaining entirely unchanged
- c. Members of Planning Committee will be able – subject to seconding and the identification of reasons – to propose any of the following (all of which are precluded by paragraph 6 currently)
 - i. Refusal where the officer recommendation is for approval
 - ii. Approval where the officer recommendation is for refusal
 - iii. Deferral in any case
 - iv. The addition of further conditions or the amendment of proposed conditions where there is an officer recommendation for approval (at present, it is necessary for officers, on hearing any points being made by Members, to amend their own recommendation in response if they see fit)
- d. If any amendment is voted down, then the Committee would return to consideration of the officer recommendation as originally advanced (subject to consideration of any further amendments).

3. Finance Comments

None

4. Legal Comments

Contained in main body of report

5. Links to Corporate Aims

Officers' view is that the proposed change will improve the process followed during meetings of the Committee, with resulting benefits for all the Council's corporate aims.

6. Environmental Implications

None

7. Community Safety Implications

None

8. Equalities

No specific impacts

9. Risk Management

Officers' view is that the proposed changes will make the Committee's decisions even more robust and secure from legal challenge or appeal

10. Partnership Implications (if any)

None

11 Recommendations

The matter is due to be reported to the Constitutional Sub Committee on 27 November 2015, and thereafter to Full Council for final approval

Members of this Committee are invited to give their views on the proposal, which views will be included in the report to the Constitutional Sub Committee.

Contact: **Officer Name** **Roy Pinney, Solicitor to the Council**
 Direct Dial No **01823 356409**
 e-mail address **roy.pinney@mendip.gov.uk**