

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 13 July 2016 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 22 June 2016 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 14/16/0022 Erection of an aviary building on land opposite Broomhay, White Street, Ham, Creech St Michael
- 6 48/16/0005 Replacement of buildings with the erection of a Class A1 foodstore with associated access, car parking and landscaping on land off Bridgwater Road, Bathpool
- 7 E/0146/24/16 Alleged non-compliance with prior notification at Higher Knapp Farm, North Curry
- 8 E/0181/34/14 Unauthorised cooler units installed on external wall at the Post Office, Staplegrove
- 9 E/0093/37/15 Alleged unauthorised occupation of mobile home and storage of caravans, Stoke Woods, Stoke St Mary
- 10 E/0072/43/16 Removal of hedgerow on south side of Payton Road, Westford
- 11 The latest appeals received

11 August 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

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Planning Committee Members:-

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

Planning Committee – 22 June 2016

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

Officers: - Matthew Bale (Area Planning Manager), Bryn Kitching (Area Planning Manager), Gareth Clifford (Principal Planning Officer), Martin Evans (Solicitor) and Tracey Meadows (Democratic Services Officer)

Also present: Councillors Berry and Habgood; Councillor Stone in connection with application No. 24/16/0007 and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5.00 pm)

57. Apologies/Substitutions

Apologies: Councillors C Hill and Wedderkopp

Substitutions: Councillor Mrs J Adkins for Councillor C Hill
Councillor Coles for Councillor Wedderkopp

58. Minutes

The minutes of the meeting of the Planning Committee held on the 25 May 2016 were taken read and were signed.

59. Declarations of Interest

Councillors M Adkins and Coles declared personal interests as Members of Somerset County Council. Councillor Mrs M Hill declared personal interests as trustee to Hestercombe House and Gardens, trustee to the Somerset Building Preservation Trust and Director of Apple FM. Councillor Martin-Scott declared personal interests as a trustee to the Home Service Furniture Trust, trustee to Bishop Fox's Educational Foundation and a trustee to Trull Memorial Hall. Councillor Townsend declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillor Brown declared a prejudicial interest in respect of application No 06/16/0012. He stated that he would not take part in any discussion or vote on the application. Councillor J Adkins declared personal interests on application No 06/16/0012 as she was the Council's representative for the Partnership Development Group for the West Somerset Railway and Vice-Chairman for that body. Councillor Watson declared that he was Ward Councillor for application No

06/16/0012. All Councillors declared that they had received correspondence with regard to this application.

60. Applications for Planning Permission

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

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

31/16/0009

Variation of condition 04 (landscaping) and condition 10 (temporary tents) of application 31/11/0026 at Woodlands Castle, Ruishton Lane, Ruishton

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule attached to the previous approval reference 31/11/0026;
- (b) Noise from amplified music or speech from the licensed premises shall not be audible at the points marked A, B and C on the attached plan at any time; this condition shall NOT apply to amplified broadcasts made in connection with evacuation of the premises in the event of fire or other emergency;
- (c) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the new build development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (d) The bollards to close the old access drive shall be maintained at all times;
- (e) The reinstatement of the boundary wall of the walled garden shall be carried out prior to the new permanent conference building being brought into use;
- (f) The two temporary tents hereby permitted shall be removed from the site as early as possible and certainly on or before 31st May 2019;
- (g) There shall be no fireworks or Chinese Lanterns used at the site unless otherwise agreed in writing by the Local Planning Authority;

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

38/16/0146

Change of use of 9 No. units from A1 (retail) to A3 (restaurant) use within the Orchard Shopping Centre, High Street, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 3017-A-0001 Rev A03 Site Location Plan;
 - (A3) DrNo 3017-A-1010 Rev A03 Pig Market Location Plan - Ground Floor;
 - (A3) DrNo 3017-A-1027 Rev A02 Pig Market Ground Floor - Option B;
 - (A3) DrNo 3017-A-1028 Rev A02 Proposed Pig Market First Floor - Option B;
- (c) The development hereby permitted shall not be implemented unless the existing units have first been amalgamated into three large units. The units shall be retained in the amalgamated form of three units for the duration of time that they are used for purposes falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 and shall not be subdivided in any way;

(Note to applicant:- Applicant was advised that 5 High Street was a listed building; also advised that any works that affect the historic or architectural interest of this building would require listed building consent. This includes (but was not limited to) the removal of the rear wall to allow amalgamation with other units as suggested in the application. To date, no information has been submitted regarding the potential impact upon the historic fabric of 5 High Street and the grant of this permission does not give any assurance that such listed building consent would be forthcoming).

38/16/0141

Erection of two storey and single storey extensions to the rear of the property and erection of detached store at 10 Fremantle Road, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo BK11202 Site and Location Plans ;
 - (A3) DrNo BK11202 Proposed Elevations;
 - (A3) DrNo BK11202 Floor Plan and Elevations for Store;
 - (A3) DrNo BK11202 Proposed Floor Plan;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission; (2) Applicant was advised that whilst it would appear from the application that the proposed development was to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property).

06/16/0012 - Variation of condition No.17 of Planning application 06/11/0032 to carry out the following highway works:- Improvements to the junction of Greenway Road/Station Road and provision of footway from opposite the site entrance to the existing footway on Station Road in accordance with Drawing Number 31408/GA/101 rev C; Provision of signage to approach to the bridge, white lining to demarcate the edge of carriageway and surfacing material for informal pedestrian viewing area in accordance with Drawing Number GA/207 rev A; Provision of a new roundabout at the junction of Station Road and the A358 in accordance with Drawing Numbers 31408/GA/301 rev K and 31408/GA/301 rev F.

Conditions

- (a) The following highways works shall commence by 30 September 2016 and be completed by 31 March 2017; (i) Improvements to the junction of Greenway Road/Station Road and provision of a footway from opposite the site entrance to the existing footway on Station Road in accordance with Drawing Number 31408/GA/101 rev C; (ii) Provision of signage to the approach to the bridge, white lining to demarcate the edge of the carriageway and surfacing material for the informal pedestrian viewing area in accordance with Drawing Number GA/207 rev A; (iii) Provision of a new roundabout at the junction of Station Road and the A358 in accordance with Drawing Numbers 31408/GA/301 rev K and 31408/GA/301 rev F;

- (b) The area allocated for visitor parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the development is occupied, or as agreed in writing by the Local Planning Authority, and shall not be used other than for the parking of vehicles;
- (c) (i) The structural planting along the site boundaries shall be retained and supplemented in accordance with the agreed landscaping scheme and shall be maintained in accordance with a maintenance strategy. The aforementioned strategy shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development on site and shall also set out the maintenance and management of the grass verges and landscaped areas held in common (as identified on a plan to be submitted to, and agreed in writing by, the Local Planning Authority); (ii) The landscaping scheme submitted to the Council on 1 May 2012 shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no garage shall be erected on the site without the further grant of planning permission;
- (e) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forward most part of the front of the dwelling house(s) or of the exposed flank wall of any corner dwelling without the further grant of planning permission unless indicated on the approved plans;
- (f) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order) (with or without modification), no window(s) shall be installed in the side (north) elevation of Plot 15 and side (west) elevation of Plot 10 hereby permitted without the further grant of planning permission;

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

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

24/16/0007

Residential development with the erection of 20 No. dwellings (including five affordable dwellings) with provisions of public open space, children's play area and allotments on land to the south of Knapp Lane, North Curry

Reason

- (a) Part of the site is outside the proposed settlement limit in the emerging Taunton Deane Site Allocations and Development Management Plan. The proposed development is, therefore, contrary to Policy MIN7 of that plan.
- (b) The proposed layout was considered to be unacceptable by reason of the siting of the proposed affordable houses, the location of which between a car parking area and access road provides unsatisfactory amenity for the future occupiers. The location of the car park to the rear of the affordable housing was considered to be overbearing on the neighbouring property, detrimental to its amenity.

61. Appeals

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

Resolved that the report be noted.

(The meeting ended at 9.15pm.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors, 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
- Trustee of Hestercombe House and Gardens, Trustee of the Somerset Building Preservation Trust, Director of Apple FM – Councillor Marcia Hill

14/16/0022

MR K PHILLIPS

Erection of an aviary building on land opposite Broomhay, White Street, Ham, Creech St Michael

Location: LAND OPPOSITE BROOMHAY, WHITE STREET, HAM, CREECH
ST MICHAEL

Grid Reference: 328764.125141

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

(A4) Location Plan
(A4) Site Plan
(A4) DrNo 001 West and East Elevations
(A4) DrNo 002 South and North Elevation
(A4) DrNo 003 First Floor Plan
(A4) DrNo 004 Section A-A

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

3. No wall construction shall take place until a detailed section drawing and/or specification to show the concrete block plinth with vertical mortar joints and weep vents has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development would not give rise to any increased flood risk in accordance with Policy CP8 of the Taunton Deane Core Strategy.

4. (i) Before any wall construction is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local

Planning Authority.

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

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

- 5. The development hereby permitted shall be used as a private aviary for the keeping and breeding of peregrine falcons only. It shall at no other time be used in connection with any commercial and/or retail activity of any kind.

Reason: In the interests of residential amenity, highway safety and flood risk in accordance with Policies CP8, DM1 & DM2 of the Taunton Deane Core Strategy.

- 6. The development hereby permitted shall accommodate a maximum of 8 breeding pairs of birds of prey at any one time.

Reason: In the interests of residential amenity in accordance with Policy DM1(e) of the Taunton Deane Core Strategy.

- 7. The tree screens as shown on the submitted Site Plan shall be completed before the building hereby permitted is first occupied and thereafter maintained as such.

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

Notes to Applicant

- 1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- 2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and

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

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

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. You are reminded that the requirements of Animal Health (DEFRA), English Nature, the RSPCA or any other animal organisation is independent from planning legislation and it is your responsibility to ensure all relevant licencing and other documentation for the breeding and keeping of birds of prey is obtained.
4. The applicant should be aware that the Environment Agency would oppose any conversion of this proposal into a residential development in the future on flood risk grounds.

Proposal

Permission is sought for the erection of an aviary building to be used for the breeding of peregrine falcons. The building would be able to accommodate up to 8 pairs of breeding birds and is proposed to be used solely by the applicant, who wishes to pursue their hobby.

The aviary would measure approximately 14.5m in length by 10m in width to provide 8 pens internally with a covered walkway running in-between. The pens themselves would measure approximately 3.1m in height and incorporate a wire mesh roof. The covered walkway would utilise a box profile pitched roof measuring approximately 4.1m in height to the ridge.

The aviary is to be constructed with vertical timber boarding, with the walls supported by a concrete block plinth, with weep vents, to allow the movement of water across the site. The internal floor will not utilise any form of new hard-standing.

The pens themselves have been designed especially for the breeding of falcons, who can only be housed in private accommodation (skylight and seclusion aviaries). In terms of the use of the pens, two are proposed to house young birds and two are proposed to house retired birds. This would leave three pens that could potentially house breeding birds with one remaining spare pen.

The site itself has been largely cleared of overgrown bramble, blackthorn and other vegetation, with a screen of trees left in place to the north of the building to further screen the building from the road. A further tree screen would be retained to the north-west of the building.

Site Description

The application site concerns a parcel of land to the south of the main linear cluster of houses that run through Ham; a small hamlet situated adjacent to White Street. Ham itself lies approximately 0.5 miles south-east of the village of Creech St Michael.

The application site itself is triangular in shape and relatively flat. Drainage ditches surround the boundary of the site and there are numerous trees and other vegetation situated on the banks of the boundary. The land itself has been largely cleared of overgrown vegetation over recent months but two areas of tree planting have been maintained centrally within the site.

The site is accessible via White Street to the north and there is a vehicular access gate adjacent to the road.

The area is predominantly rural, with the majority of land surrounding the site used for agricultural purposes. The closest residential properties are situated to the north of the site on the opposite side of the road; the river Tone lies to the rear of these properties. The site itself is within a designated flood risk area and is situated within flood zones 2 & 3.

Relevant Planning History

Pre-application advice was provided prior to the submission of the proposal. It was agreed that whilst the site was generally unsuitable for the majority of development proposals, the principle of erecting a bird aviary in this location would be commensurate with the sites agricultural setting. Advice regarding flood risk, visual amenity, residential amenity, parking and security were also provided:

14/16/0008 – Change of use of land for bird of prey breeding and erection of aviary building. Pre-application advice provided 18th February 2016.

Consultation Responses

CREECH ST MICHAEL PARISH COUNCIL - Object to the proposal:

Due to the close proximity with properties and the noise these birds will create in the absence of its onsite owner.

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to standing advice. Standing advice provides standard detail for the layout of acceptable agricultural access.

ENVIRONMENT AGENCY - No objection to the proposal but wishes to make the following comments:

The proposal falls within Flood Zone 3, which is an area with a high probability of flooding, where the indicative annual probability is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year).

The ground level within the aviary and the surrounding area must not be raised and must remain permeable as indicated within the Flood Risk Assessment accompanying this application.

The applicant should be aware that the Environment Agency would oppose any conversion of this proposal into a residential development in the future on flood risk grounds.

LANDSCAPE - Comments as follows:

No objection to the structure as it will be screened from the road by existing trees on site.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Following verbal discussions with the EH Officer, it was agreed that the number and species of birds proposed was highly unlikely to cause any significant noise nuisance. It was also confirmed that no noise complaints have ever been received from the applicants' neighbours, where birds of prey are currently kept at home (in excess of 10 years). EH have since confirmed in writing that they have no objection to the proposal.

Representations Received

A site notice was erected 10th May 2016 and neighbours notified 27th April 2016. A total of 9 comments have been received to include 1 letter of support and 1 neutral comment

7 objections. The comments are summarised below as follows:

Objections

Principle of development & use of the site

- Would set precedent for development of adjacent land.
- Site recently marketed as 'amenity land' and the use should be retained.

- Proposal more representative of a commercial use.
- Applicant already runs a commercial pest control business, which raises suspicion regarding the intended use of the building.
- Site could be re-developed for other purposes in the future.

Design/visual amenity

- Building excessive in size and scale, exceeding that of the majority of residential properties in the area.
- Concrete footings unnecessary to support timber structure and an alternative perimeter plinth should be utilised.
- Out of character with the area and visually intrusive.

Wildlife

- Proposal contrary to DEFRA guidance. *[Case Officer Note: This is independent from planning legislation and is not considered to constitute a significant planning merit].*
- Impact on local wildlife if birds are exercised locally.

Highways

- Increased vehicle movements.
- No parking areas available.
- Parked vehicles would restrict traffic flow along White Street.

Residential amenity

- Noise impacts.
- Increased disturbance from increased vehicle movements.

Other

- Increased flood risk.
- An Environmental Impact Assessment (EIA) should be carried out. *[Case Officer Note: The development is not considered to constitute EIA development].*
- Security issues.
- Level of detail provided insufficient to make a decision.
-

Support

- Applicant has explained intentions and has worked hard clearing the site.

Neutral

- No concerns about the structure itself but would like further clarification about the numbers/species of birds proposed to house, particularly in relation to

noise.

- Would not wish to see pigeons housed within the structure.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

Local finance considerations

The development would not be liable for any Community Infrastructure Levy (CIL) payments.

Determining issues and considerations

The main issues in the consideration of this application are the principle of development, impact upon landscape/visual amenity, impact upon residential amenity, impact upon highways, impact upon wildlife and flood risk.

Principle of development

The application site is situated outside the defined settlement limits of the area, where new forms of development are generally resisted. This, in addition to the sites setting within a designated flood risk area, makes the vast majority of development proposals unsuitable and contrary to local and national planning policy guidance. However, it is recognised that Policy DM2 of the Taunton Deane Core Strategy does support non-residential agricultural and forestry related buildings commensurate with the role and function of the unit.

The land itself is not formally designated within any local planning policy designations and is not directly related to any working agricultural unit. However, given the sites setting within a primarily rural location, the use of the land would be considered to fall within an agricultural use. The overall size, scale and design of the building is considered to be similar to the vast majority of agricultural buildings, which would otherwise be acceptable in such countryside locations. Furthermore, the building proposed would be privately owned and used as a means of pursuing a hobby for the breeding of peregrine falcons, which is considered to be commensurate with the area's rural setting. The principle of a new aviary building in this location is therefore considered to be acceptable in this respect.

The concerns relating to the exact intended use of the building, to include the use of the building as a commercial breeding business, have been noted, and it is recognised that the applicant does indeed have an existing commercial business where birds of prey are offered as a means of pest control. However, the applicant has confirmed in writing that the proposal is for private use only and is required solely as a means to pursue an existing hobby within a quiet and secluded location, close to where the applicant lives. On this basis, the proposal is considered to be acceptable but it is deemed reasonable to attach a restrictive condition to any permission granted to ensure that the development cannot be used for any commercial or other purpose.

With regard to the concerns in relation to the development setting a precedent for future development of adjacent land, this would of course be subject to separate planning applications, whereby the planning considerations of individual proposals would be assessed on their own merits. This is therefore not considered to constitute a significant reason for refusal.

In light of the reasons outlined above, the principle of development is considered to be acceptable.

Landscape/Visual amenity

The size and scale of the proposed building is reasonably large, however it is understood that the building has been designed to a specification suitable for the breeding of peregrine falcons. Consideration still has to be given to any potential impact the building may have on the visual amenity of the area and surrounding landscape.

The building would be reasonably well set-back within the site, approximately 25m from the edge of the carriageway to the north. The site itself has over the last few months been largely cleared of overgrown trees and other vegetation, with the exception of two bands of tree groups, which have been kept in place to help screen the proposed building. In addition, the site boundary consists of tree and other planting, which help screen the site further.

Whilst it is acknowledged that there would be some sightlines of the building from White Street, particularly during winter months when there is less leaf cover, the building is not considered to cause significant harm to the visual amenity of the area or surrounding landscape. The site itself is reasonably well enclosed and would not

appear significantly prominent from the public realm. Furthermore, the TDBC Landscape Officer has also confirmed that the proposed screening of the building is adequate and has no significant landscape objections.

In terms of the building's design, the building would utilise a suitable pallet of building materials typical of modern agricultural design. The use of vertical timber boarding and box profile roof is considered to be commensurate with the rural setting of the area. As such, the development is not considered to cause significant harm to the character or appearance of the area and the development is considered to be acceptable on these grounds.

Residential amenity

The closest neighbouring properties are situated on the opposite side of White Street, with the closest property being situated approximately 35m from the location of the proposed aviary building. The site itself is relatively well enclosed and the building is considered to be a sufficient distance away not to give rise to any issues in relation to overbearance, loss of light or privacy.

Notwithstanding the above, the comments concerning the potential noise nuisance that could be generated by the development have been noted. There are no specific noise requirements that aviary buildings would be expected to comply with and, as such, the assessment of potential noise nuisance from peregrine falcons is particularly difficult to assess. In light of this, further advice has been sought from an appropriate wildlife expert from the Hawk Conservancy Trust (HCT), as well as consultation with the TDBC Environmental Health Team.

Following verbal discussions with the HCT, it is understood that peregrine falcons are particularly secretive birds, which would not generally generate significant levels of noise within an aviary type environment. This is because the birds themselves would not be visible from outside the aviary and would not be aware of any activity outside the pens. Furthermore, the position of the aviary is set-back well within the site in a reasonably secluded location, which is unlikely to be disturbed.

It is also understood that the applicant has kept falcons in excess of 10 years, some of which are kept at their home address within the rear garden. Having checked with the TDBC Environmental Health Team, no noise complaints have been received from the neighbours during this period. The building proposed would not be situated immediately adjacent to any residential properties and whilst it is recognised that there may be some noise from the birds, the level of noise generated is not considered to constitute a significant level of disturbance to warrant refusal.

To ensure potential noise nuisance is not exacerbated beyond unacceptable levels, it is deemed reasonable to restrict the number of breeding birds housed within the aviary. It is therefore considered that a condition should be attached to restrict the number of birds to a maximum of 8 breeding pairs.

In light of the reasons outlined above, the development is considered to be acceptable on residential amenity grounds.

Highways

There is an existing access available to the site via White Street to the north but no changes are proposed to this access point itself. As the development is proposed to be used solely by the applicant as a means of pursuing a hobby, the development is not considered to give rise to any significant increase in vehicle movements over or above existing levels that would cause harm to highway safety. The existing access point is therefore considered to be sufficient on these grounds.

Having visited the site, it is evident that there is sufficient space available within the site for the parking of vehicles. However, it is noted that no formal parking areas have been designated as part of this submission. Whilst this would normally be a requirement, the development of a more formal parking area is considered to be unnecessary for the use of the site by one person. Furthermore, given the sites setting within a designated flood risk area, the Council would seek to resist any changes that may interfere with the permeability of the site.

Instead, it is considered that the applicant could park informally on the site, or indeed continue to park adjacent to the existing access gate. Having visited the site, it is evident that there is sufficient space to park a vehicle here without obstructing the public highway. For this and the reasons outlined above, the development is considered to be acceptable on highways grounds.

Wildlife

The applicant has confirmed, in writing, that the aviaries are specifically designed for breeding birds and at no times will these birds be allowed outside the enclosures. On this basis, the development is not considered to have any significant impact upon the local wildlife of the area. However, it should be noted that the requirements of DEFRA, the RSPCA or any other wildlife organisation, for the keeping and breeding of birds of prey, is independent from the planning system.

Flood risk

The application site is situated within flood zones 2 & 3, which is identified as an area at risk of flooding. As such, it is essential to ensure that the development of the site would not lead to a significant increase in flood risk over or above existing levels.

A Flood Risk Assessment has been submitted to accompany the application. The building itself would not utilise any form of new hard-standing. Instead, the internal floor of the building would remain as existing, allowing any rainwater that falls through the wire mesh roof to drain naturally. In addition, the concrete block plinths,

on which the walls of the building would be supported, would incorporate weep vents to allow the free movement of water across the site.

The Environment Agency have confirmed their agreement with the submitted Flood Risk Assessment and have no objection to the proposal. As such, the development is considered to be acceptable on these grounds.

Conclusion

The principle of development is considered to be acceptable and the development would not give rise to any significant issues in relation to visual amenity, residential amenity, highways, wildlife or flood risk. In light of these reasons, outlined above, it is recommended permission be granted subject to conditions.

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

Contact Officer: James Culshaw

48/16/0005

ALDI Stores Ltd

Replacement of buildings with the erection of a Class A1 foodstore with associated access, car parking and landscaping on land off Bridgwater Road, Bathpool

Location: LAND AT BRIDGWATER ROAD, BATHPOOL, TAUNTON, TA2 8BA

Grid Reference: 325147.125807

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed food store fails to satisfy the sequential test for a main town centre use not sited within an existing centre and not in accordance with the Local Plan. Notwithstanding the failure to satisfy the sequential test, the proposal is likely to have significant adverse impact upon the vitality and viability of Taunton town centre and the proposed planned investment at Monkton Heathfield District Centre. As such, the proposed development fails to meet the requirements of paragraph 27 the NPPF and is contrary to policies CP3, DM1 and SS1 of Taunton Deane Core Strategy, Policy TC5 of the draft Site Allocations and Development Management Policies and the Taunton Town Centre Area Action Plan.
- 2 The proposal would result in a significant increase of traffic and it has not been demonstrated that the increase in traffic can be accommodated without detriment to highway safety. As such the proposal is considered contrary to Policy DM1 of Taunton Deane Core Strategy and Section 4 of the NPPF.

Recommended Condition(s) (if applicable)

Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

Planning permission is sought for the demolition of existing buildings and replacement with a Class A1 Food store.

The proposed development will comprise a single storey unit, providing 1,800sqm gross floorspace (1,254sqm net), car parking, access and landscaping.

The applicant is ALDI, who have had a longstanding requirement for a store in Taunton. ALDI intend to stock a range of 1,500 product lines. The indicated door opening hours will be 8 AM to 10 PM on weekdays and Sunday opening is expected but no times are specified.

The proposed building is to scale 55m x 23m with a maximum height of 5.46m. It will be sited along the eastern side the site car parking provision to the West and in the corner to the North. A small amount of landscaping is proposed in the North West and South West corners of the site and a small number of trees and around the car park area in the north east corner. Existing low-level sections of wall along the northern boundary are to be retained. 94 car parking spaces are proposed to serve both staff and customers.

The warehouse, office and staff areas are to be at the rear of the building (Western boundary). Deliveries will be to the south of the building. There will be one access, off the A38, to serve the development.

Site Description

The application site is approximately 0.6 ha (1.5 acres) in size and is located to the south of Bridgwater road (A38) and to the west of Yew Tree Lane in Bathpool. The site comprises two buildings with external storage and parking areas. One building, providing 918 m² (gross) has class A1 (retail) use and was formally J K Aquatics, an aquarium and tropical fish business. The other building provides 2386 m² (gross) for class B1/B2 use and was a former warehouse and office building. Both buildings are in a good state of repair and considered to be available for use in their current condition.

The site lies within the urban area of Bathpool, approximately 2.2 miles from Taunton town centre and approximately 350 m from the closest point of the allocated strategic site at Monkton Heathfield. There are residential properties to the North, East and West of the site. The mainline railway runs along the southern boundary of the site. Bridgwater road adjoins the North boundary of the site.

Relevant Planning History

48/15/0026 awful development certificate for existing use as general retail (use class a1) at the former watermarque shop, Bridgwater Road, Bathpool, West Monkton 7th August 2015.

Consultation Responses

WEST MONKTON PARISH COUNCIL –

West Monkton Parish Council is extremely concerned that residents and traffic flows at Bathpool will be very severely impacted if this proposal is granted permission without significant highway conditions being imposed.

The A38 runs through this part of Bathpool, the Aldi application site has the A38 down one side of it, and the other three sides are mainly residential dwellings with a popular and busy Chapel and a hairdressers. People attend the Chapel on at least three evenings a week and at the weekend, and park on the A38 on the opposite side of the road to the proposed Aldi site. Clients at the hairdressers, and residents do the same. There is a bus stop either side of the road in the vicinity of the Aldi site. The combination of local roadside parking, the bus stops and the width of the (listed) railway bridge make the section of the A38 from the Aldi site to the Creech Castle traffic lights a pinch point and a site of frequent congestion and traffic jams at peak times. When the school children walk the A38, they are drawn to the Aldi side of the road by virtue of the pedestrian crossing between the old Tone Bridge and Acacia Gardens. To summarise, the A38 road and pavement running along the length of the Aldi site could hardly be busier (it is recognised the Creech Castle junction is operating almost at capacity). Because of the existing use made of the road, double yellow lines would be inappropriate, detrimental to the community, and strongly resisted.

It should be borne in mind that there are another 500 or so houses remaining to be built in the first 1000 house stage of the Monkton Heathfield Urban Extension, and the A38 in this location is the main route into Taunton from the Urban Extension. Unless traffic modelling figures used in the application were taken from 2015 data, any older information will not take into account that about 500 houses are now occupied, with a further 500 still to come in the next year or two (based on current building rates). Local knowledge would suggest that Core Strategy Travel Plans would appear not to be working as predicted, with very low take up of travel passes by residents of the new houses and bus services being cut, rather than improved to provide a rapid transit system. So it is reasonable to predict that there will be an increase in the number of cars using this stretch of road.

The current operations on the site were mainly warehousing and distribution. This involved staff arriving in the morning, parking all day and leaving at the end of the working day. Large lorries came in, and parked for a period whilst unloading happened. There were limited numbers of lorry movements in any 24 hours. The aquatic retail section again had a small number of vehicle movements in and out of the site, as appropriate to the type of business. There were no illuminated signs on the site: there are street lights which serve the residential community surrounding the site. The proposed application promises a store with long opening hours, 7 days a week, with cars coming and going all through the day, and a large illuminated roadside sign. The impact on the local community will be intrusive in terms of lighting, lorry and traffic noise; and it is strongly suggested that the large illuminated roadside sign is hazardous, an unnecessary distraction to drivers.

Paragraph 1 and paragraph 2 jointly describe a significant highway problem, which is not solved by the solutions submitted in the application. Traffic will be turning in and out of the site all day long, and the congestion caused will bank back to the Creech Castle junction (as it does already at busy times just when a bus stops along this short stretch of the A38. At the very least a right hand turning lane is

needed.

The Parish Council is of the opinion that the applicant should sacrifice some of the frontage to allow for a right hand turning lane. This would result in fewer parking spaces on the site. Additionally, the Parish Council is of the opinion that the proposed store is too big for the site, for highway reasons and the fact that the site is surrounded by dwellings. A large supermarket is proposed for the District Centre in the further 3500 house development further up the A38, so a smaller store in the application location would be more appropriate. Local opinion would indicate support for a smaller store, and it would fit well into the local community with the existing Chapel, Hairdressers, and Public House.

The Parish Council would wish to see stringent measures imposed by SCC Highways Authority to ensure that the size and operations of the proposed store do not negatively impact on traffic movements in this very difficult location. Whilst some measures have been described by the applicant to deal with attenuation and surface water, the area of Bathpool is recognised by the Environment Agency to be a flooding hotspot. Indeed three or four houses in the immediate vicinity of the proposed store were flooded in the rains from Storm Imogen, (6/7 Feb 2016) whilst the mixed drain at Acacia caused the sewers to be surcharged, with raw sewage bubbling out onto the A38 road at Acacia Gardens, and bubbling up into peoples toilets. The Parish Council would require at least measures to withstand a 1 in 100 year storm, with appropriate attenuation for surface run-off the site. The Parish Council would wish to have suitable conditions imposed by the Environment Agency and Wessex Water. Since the proposal is to use existing drains, the opportunity could be taken to improve downstream problems.

In conclusion, West Monkton Parish Council would support the introduction of a small store in this location but cannot support the application for the larger store as described in this application; for highways and drainage reasons.

SCC - TRANSPORT DEVELOPMENT GROUP –

The previous responses by the Highway Authority are available on the website. Following submission of additional plans the final response is as follows

I refer to additional information received in my department 16^h May 2016, consisting of Working Paper 4, dated May 2016, and a letter to the LPA Dated 7th June which includes Drawing No. SK02 Revision B which sets out a Revisions to the Right Turning Lane for the proposed ALDI Store.

Revisions to the proposed Right Turning lane have been made in line with on-going consultation, and resubmission's to the Planning Authority and subsequently the Highway Authority. As you are aware the Highway Authority have made several representations with regard to the applicants proposals, as further information has been submitted to the Planning Authority and issued to the Highway Authority for review.

Access Junction / Right Turn Lane

The proposed access junction and Right Turning Lane as show in Drawing No. SK02 Revision B is considered to be designed and deliverable in line With DMRB TD42/95 and HD19/15. There are a number of points with regard to the proposed scheme that would require addressing at detailed design stage subject to Planning Consent, however, amendments are not considered to affect the deliverability of the access, turning lane or site.

The Right Turning Lane and running carriageway have through lane widths of 3m provided which is considered acceptable to the Highway Authority. However, it is likely that parking restrictions will be required on the northern side of the carriageway to ensure that through traffic can pass through unimpeded and without having to stray into the right turn lane in order to pass parked vehicles.

As parking restrictions will require advertising and consultation with local businesses, as part of a formal Traffic Regulation Order (TRO) such requirements may draw objections. The uncertainty of the enforcement of a TRO raises highway safety concerns; given the daily traffic associated with the proposed Aldi Store, the volume of traffic using the A38 as well as non-motorised users, as the site is located along a major school route, existing travel and parking patterns that occur within the vicinity of the site. If the TRO is not successful the is concern that the applicant may not be able to safely deliver the proposed access arrangement, which may jeopardise highway safety .

Traffic Impact

As mentioned in the Highway Authority's earlier response dated 07April 2016 It is noted that the development will impact at Creech Castle. The impact is heightened due the sensitivity of the junction and the long cycle times to allow all movements in relation to demand to be undertaken during each cycle.

Travel Plan

The delivery of the Travel Plan is required to be secured through a Section 106 Agreement. There are a number of minor amendments that are required to be resolved which can be resolved whilst the Section 106 is being drawn up.

It is noted that the 94 car parking spaces are proposed to serve both staff and customers. As there does not appear to be an alternative for staff parking the monitoring of the Travel Plan will be important as demand for parking at stores appears high, without sufficient measures parking could overspill on to the highway network resulting in capacity and highway Safety concerns.

Summary

In line with the above the Highway Authority recommend refusal as the proposal is contrary to Policy DM1 of the Taunton Deane Adopted Core Strategy and Section 4 of the NPPF, since the increase traffic associated with the proposed development without restriction of traffic parking on the highway would be prejudicial to highway safety.

WESSEX WATER –

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

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

A sewer diversion of the existing 150mm combined/foul sewer is necessary. This has been agreed principle with the consultants and are awaiting further details in order to review their design proposal. New foul connections can be incorporated into the diversion route to save an additional fee.

Wessex Water is not responsible for the private surface water sewer shown along the eastern site boundary, however we have made suggestion that the developer investigates current arrangements because it is likely the existing hard surfacing and building run-off already drains to that pipeline. We would expect to see this replicated in the proposed drainage design. Sewer diversion guidance notes and application form are available on our website.

DRAINAGE ENGINEER –

Parrett and Tone Internal Drainage Board; The Board has been consulted about redevelopment of the old Aqua World site off Bridgwater Road, Bathpool LPA ref No 48/16/0005 which appears to reduce surface water run-off to the public sewerage system(albeit combined sewer). Consequently the run-off which used to go to the combined public sewer will now discharge to the existing private water sewer which conveys flow to the River Tone under the main railway line. This appears to be an improvement however the structural integrity, capacity and maintenance liability of this private sewer appears unknown. My view is that information should be known before the development should proceed.

As a minimum the pipe should be surveyed by the proposed developer by CCTV to confirm the pipeline is structurally sound and will not cause a problem to the development in the future. If it is in poor shape then this is the time to know. Who is responsible for the pipeline as it does not appear to be a public liability?

Somerset Drainage Boards Consortium; No objection subject to condition and informative requiring surface water drainage proposals to be submitted and agreed.

BIODIVERSITY – No observations

ECONOMIC DEVELOPMENT –

The Council is keen to encourage investment to the Borough, and recognising that Aldi currently has no presence, would be keen to work with the company to identify investment opportunities to serve our communities. However, that investment needs to be on appropriate sites.

Loss of employment capacity

The site in question has been an employment site for many years, and it should be noted that the proposed development would create 50 job opportunities, of which 17 would be full time. This falls short of the extent of jobs that would be created on a typical B1 (office/light industrial) and A1 (retail) scheme, where one could reasonably expect a density of around 1 job per 25 sqm (this figure is based on an interpretation of the Housing & Communities Agency's guidance, 'Employment Densities Guide', December 2010). At that ratio, within the current buildings on the site, which total 3,304sqm, it would be reasonable to expect around 132 jobs. Furthermore the site in its current building configuration could accommodate additional units and one would expect the employment level to increase accordingly. In summary, whilst acknowledging that the site will create employment opportunities, the number of jobs proposed falls short of the number that might be expected from the existed permitted uses on the site.

Loss of land for business growth

I would make the same point in relation to accommodation for small businesses. The site as currently configured could accommodate numerous start up and small enterprises, and more could be included in additional units. The site is located on the A38 in the proximity of Junction 25 of the M5, and on an important arterial route between the junction and the new development at Monkton Heathfield. There is considerable demand for B1, B2, B8 employment land in that area, and I am aware of numerous businesses that would be interested to occupy the site in question to assist their growth and investment. There is a relative shortage of readily available employment land in that area at present, which was the reason for the departure of the previous occupant (and current site owner), J&K Aquatics. The loss of this site would therefore exacerbate an existing difficulty relating to the short term supply of land for business growth and investment.

Impact on the Monkton Heathfield community

Finally, the development of a supermarket in this location would have a negative impact on the proposed development at Monkton Heathfield, where a proposal for retail space, to include a food store, has been included in the District and Local centres. It is essential that the new community is planned effectively, giving proper consideration to the location and scale of all services, including retail facilities. Permitting ad hoc development in advance of the completion and delivery of the masterplan for this community would be premature and could lead to a development that is inadequately supported by employment and services.

HERITAGE – No objections

ENVIRONMENT AGENCY –

Providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to the inclusion of conditions which meet the following requirements:

Condition:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2016 by Craddys, and the following mitigation measures detailed within the FRA:

- 1- The Finished Floor Level of the building should be no lower than 11.80 metres Above Ordnance Datum.
- 2- The ground level of the site surrounding the building should remain unchanged.

REASON:

- 1- To reduce the risk of flooding to the proposed development and future occupants.
- 2- Make sure the development does not increase flood risk to third party.

In addition, we have reviewed the Desk Study Assessment Report by Brownfield Solutions Ref (SF/C3117/5816 Rev A). We agree with the conclusions and recommendations of this report.

We particularly welcome the clearly presented and well annotated site plan (Drawing No. C3117/02). Following the site investigation, please mark the exploratory hole locations on this site plan and annotate with any evidence of contamination so we can see where the issues are. We do however request the inclusion of the following contaminated land conditions within the Decision Notice:

CONDITION:

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the LPA), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:

- 1) A preliminary risk assessment which has identified:
 - all previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the LPA.

The scheme shall be implemented as approved.

REASON:

To prevent pollution of the water environment.

CONDITION:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

REASON:

To prevent pollution of the water environment.

The following informatives and recommendations should be included in the Decision Notice:

This site is located in Flood Zone 2, which is the medium to low risk zone and is defined for mapping purposes by the Agency's Flood Zone Maps. This is land where the indicative annual probability of flooding is between 1 in 100 and 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year). The equivalent probability figure for tidal/coastal sources is between 1 in 200 and 1 in 1000 years (i.e. between 0.5% and 0.1% chance in any given year).

The surface water proposal will be addressed by the Lead Local Flood Authority, however we welcome the applicant's proposal to reduce the surface water discharge rate from the site by 20%.

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We strongly recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants. The LPA may wish to secure this through an appropriate condition. We can confirm that the site does lie within a Flood Warning area. We do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users. The responsibility is on LPA's to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

We can confirm that the site does lie within a Flood Warning area. We recommend the applicant contacts the Environment Agency on 0345 988 1188 to sign up for our free Floodline Warnings Direct service.

We recommend that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing

measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Additional guidance can be found in the Environment Agency Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0345 988 1188 or can be found on our website www.environment-agency.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy, as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>.

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

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Foul drainage must be kept separate from the clean surface and roof water and connected to the public sewerage system as indicated in the planning application.

Any waste material removed from the site during demolition/construction of the buildings, should be taken by a registered waste carrier to a suitably licensed site for disposal.

THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS) –
This application falls outside the notified area for its application scale.

PLANNING POLICY –

The site is located approximately two miles to the east of the centre of Taunton, on the A38 Bridgwater Road. The site is currently vacant but was occupied by the former JK Aquatics showroom and warehouse, with areas of external hardstanding and some isolated perimeter landscaping. The first building has primarily been used as a showroom and retail space, with the larger warehouse to the rear primarily used for offices, warehousing and distribution.

Although physically separated from Taunton, the adopted Core Strategy policy SP2 defines Bathpool as forming part of Taunton Urban Area. The site is not subject to any site specific allocations. The site has been subject to a number of planning applications. The principle of retail use as part of this site was established through the Council issuing a Certificate of Lawfulness for retail use of the existing front

showroom building on the site (planning application ref: 48/15/0023/LE) This new application proposes the introduction of an enhanced retail facility within the entire site. This would mean loss of Class B employment use to the rear of the site primarily used for offices, warehousing and distribution.

The adopted Core Strategy policy CP2 requires that proposals which would lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless it can be demonstrated that the benefits of the proposal outweigh the disadvantages of the loss of employment or potential employment of the site.

The adopted TDBC Core Strategy policy CP3 makes it clear that 'Town and other centres will be promoted and enhanced as the primary location for main town centre uses including retail, leisure, cultural and office development'.

The adopted Core Strategy policy CP3 also sets out the retail hierarchy within the Borough and the anticipated future retail and leisure floorspace requirements over the coming years. Policy CP3 states that Taunton's sub regional focus will be strengthened as the first preference in the Borough for main town centre uses as set out in the Taunton Town Centre Area Action Plan (TTCAAP). Wellington town centre and proposed district centre at Monkton Heathfield will provide complementary secondary focus for main town centre uses in the Borough. The Core Strategy retail floorspace requirements were reviewed most recently as part of the Retail Study Update 2013.

The policy CP3 of the adopted Core Strategy requires 'proposals for town centre uses to be assessed sequentially. 'Any proposal above 500 s.m gross comparison floorspace or 500 sq.m gross convenience floorspace will also be required to undertake an impact assessment in order to protect the Plans strategy to protect and enhance the vitality and viability of defined centres'.

The adopted Core Strategy allocation SS1 Monkton Heathfield lies to the north-east of the site approximately 300m of the site. The adopted Core Strategy policy SS1 states that 'Within the area identified at Monkton Heathfield, a new sustainable neighbourhood will be delivered ...including, a new mixed-use district centre comprising a 4,400m² (gross) food store, 800m² (gross) and other convenience and comparison retail (A1)'...

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council prepared a draft Site Allocations and Development Management Policies Plan (SADMP). The SADMP reflects the overall approach established in the adopted Core Strategy, allocating land to meet the housing and employment requirements in the identified settlement hierarchy. The SADMP also includes detailed development management policies against which planning applications will be considered.

The SADMP has undergone a number of stages of preparation, starting with an Issues and Options consultation in January/February 2013, a Preferred Options consultation in October/November 2013 and a Draft Plan consultation in January-March 2015. The SADMP was submitted to the Secretary of State for independent examination on July 13th 2015. The appointed Planning Inspector has prepared an initial questions and observations on the submitted SADMP. An initial

hearing sessions were held on 1st and 2nd of December 2015 to discuss the proposed urban extensions at Staplegrove and Comeytrove. Further hearing sessions concerning the soundness of the rest of the SADMP took place between 30th of March 2016 and 5th of April 2016. The hearing session taking place 1st of April 2016 included the wording and necessity of draft policies TC1-TC5 as an issue for discussion.

In line with the NPPF, the policy TC5 of the emerging SADMP sets out criteria based policy for out of centre proposals for main town centre uses. Policy TC5 states that retail development out of centre will only be acceptable where no sequentially preferable sites are available, no adverse impact arises on existing or allocated centres, there is no impact on existing, committed or planned investment within a centre, and where the proposal is well connected with an existing centre, and accessible by public transport, cycling and pedestrians for all proposals. The SADMP states that projected requirements for convenience shopping through the Plan period can be met through existing allocations within the Deane. However, the emerging policy TC3 of the SADMP allows for additional, small scale, individual local convenience shops with the maximum size based on an estimated 80% of trade being drawn from a 10 min walk (800m) walk-in catchment which is not already served by an existing convenience store, commitment or allocation.

The proposal is contrary to the adopted Core Strategy policies CP2 and CP3, and the emerging SADMP policy TC5 criteria A, B, and C. The proposal would result in the loss of Class B employment land. Although the site is not subject to any site specific allocation, this site has been in an employment use for a number of years. Whilst acknowledging that the site will create employment opportunities, it has been brought to our attention that the extent of jobs that would be created on this site falls short of the number that might be expected from the existed permitted uses on the site.

We agree with Savills comments para 5.40-5.44 (Review of Retail Assessment) in that insufficient evidence has been provided by the applicant to demonstrate that the application has passed the sequential test. Whilst it is accepted that the sequential assessment should consider TTCAAP sites, to comply with the NPPF guidance, the assessment should also consider other sites, such as those within existing and emerging District Centres, edge of centre and out of centre in more accessible locations than the application site. We agree with Savills comments that there is a sequentially preferable site at Monkton Heathfield as an allocated District Centre whereas Firepool and Tangier represent sequentially preferable sites as edge of centre locations.

In conclusion, from a policy point of view this application should be resisted as it would undermine the Development Plan strategy, being contrary to the adopted Core Strategy Policies CP2, CP3 and the emerging SADMP policy TC5 criteria A, B and C. There is a sequentially preferable site available at the Monkton Heathfield District Centre. Given the proximity of the proposed ALDI store to the proposed urban extension at Monkton Heathfield it is unlikely that the Monkton Heathfield District Centre would be able to retain 100% of the convenience expenditure arising from the residential development. There is a concern that the proposal would therefore prejudice the vitality and viability of the allocated Monkton Heathfield District centre.

LANDSCAPE – Is this the correct location for a foodstore? If permission is granted. I would like to see more trees planted along the road frontage. As there is an electricity cable here, the trees can be smaller growing species.

Representations Received

5 letters of objection have been received;

- noise from deliveries during the night and early morning lorries turning;
- noise from reversing alarms, raised voices and unloading of cages;
- traffic turning right on the A 38 could cause problems at Creech Castle, also with cars turning right out of the store;
- very busy road, especially when there is problems on the M5 and traffic is redirected along A 38;
- customers may park on the road causing problems getting out of our drive;
- noise from large refrigerated lorries delivering later that night;
- will there be restricted hours on the building contractors working, for example on Sundays?;
- traffic has increased considerably over the last 10 years, especially since new developments that have been erected recently, and it is difficult to exit Acacia Gardens travelling towards Creech Castle;
- proposed store will exacerbate existing problems;
- traffic lights could be installed incorporating the pedestrian crossing;
- the current site is an eyesore;
- Build up of traffic on peripheral roads resulting in a detrimental effect on the whole neighbourhood and through traffic;
- no facility to increase the width of the A 38 this area;
- inadequate parking, the plan identifies 94 parking spaces which, if used for one hour each between 8 AM and 6 PM, would create 940 cars entering and leaving the site;
- there is already congestion along A38 during periods of closure of the A3259;
- acceptable increase in noise and disturbance for all the local neighbourhood from extra traffic and deliveries

39 letters of support have been received;

- look forward to having a food outlet in our local community which has been lacking for the past few years
- no grocery outlets on this side of Creech Castle;
- the store will provide additional choice to residents of Bathpool, West Monkton and Monkton Heathfield;
- proposed development will revitalize the site which is currently not in use;
- the store will bring additional employment the area;
- please to have a shop within walking distance;
- the proposal will enhance our ability to lead healthy lifestyles and avoid using our cars;
- the chapel and hairdressers should have their own parking spaces the visitors, not park on the main road;
- we hope to see some traffic calming measures to enhance the safety of the

project;

- traffic travelling too fast from Creech Castle is likely to encounter stationary traffic waiting to turn into the store car park;
- the store will provide a safe and easy access for pedestrians and cyclists;
- Aldi offer good quality products at a good price;
- a lot of residents walk to Aldi for twice weekly shopping;
- good use of brownfield site;
- in favour of an Aldi store but traffic problems need to be addressed;
- welcome an Aldi opening in Taunton, especially on the site proposed, as it will give the customer freedom of choice;
- Aldi store is long overdue in Taunton;
- a large commercial space the size also needs this type of business that can raise enough turnover to cover business rates and upkeep, otherwise it would be empty;

8 letters of representation have been received;

- keep clear sign at Yew Tree Lane should be repainted;
- traffic at peak times is very heavy;
- traffic lights could be changed from button operation to a time operated system;
- concerns about the implications for the volume of traffic and safety of road users;
- A 38 is already very busy unlikely to see further daily traffic movements as the Monkton Heathfield housing developments progress and the implications of the Bathgate on the A3259 are determined;
- there are many unreported near miss traffic incidents;
- traffic likely to cause queues, perhaps creating dangerous situations at Creech Castle
- safety of cyclists when car turn across cycle lane;
- safety of pedestrians, particularly school children;
- potential Aldi customers will inevitably wish to pass on the roadside causing problems the residents & buses;
- can the entrance to the store be shaped to allow access only from traffic travelling from an easterly direction and exiting traffic routed out in westerly direction?
- Can 24/7 enforceable parking restrictions be applied 50 yards either side of entrance on both sides of the road with clients of local hairdressers and visitors to the chapel been able to use the store car park?
- Can restrictions be applied to delivery times?
- Traffic calming measures needed
- there should be separate in/out;
- parking restrictions will affect users the church and local businesses;
- difficult to enter Acacia Gardens & Hyde Lane, particularly at peak times;
- Route is used to divert M5 traffic in the event of closure;
- further inspection of any drainage on the site should be carried out;
- as a minimum dedicated right turn lane is required traffic travelling north, however use of double yellow lines to increase the usable roadway in the area would be unfair on residents who currently parked their cars outside their properties;
- how will the 300 year old cottage, opposite the entrance, be affected by

development?

- Would not like to look out at the proposed development every day.

1 letter of no objection have been received.

One letters of objection from TPS transport consultants:

- proposed access does not accord with appropriate design standards particularly in relation to movement of large vehicles,
- no consideration of the impact of increased trips associated with development on frequency/causation of accidents,
- no justification to providing lower level of parking or that demand can be accommodated within the site,
- access does not demonstrate required visibility nor has any modelling assessment and provided to demonstrate new junction design is appropriate or would operate within capacity,
- no consideration given to arrival of delivery vehicles,
- transport assessment has not clearly demonstrated methodology the trip distribution and not demonstrated that there would not be is the impact from highway network as a consequence,
- no operational assessments on site access and A358 Toneway/Bridgwater road junction,
- no consideration of highway network operation on a Saturday.

Councillor Cavill comments;

- any application to use this site requires a right hand turn lane;
- there are another 4000 houses to be built in the near future;
- the A 38 pinch point is the section of road from Creech Castle to the new roundabout for the Eastern relief road, with houses either side of this section, there is no chance of widening this length so any additional restriction will cause substantial delays.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP2 - TD CORE STRATEGY - ECONOMY,
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,

CP8 - CP 8 ENVIRONMENT,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,
SS1 - TD CORE STRATEGY MONKTON HEATHFIELD,
DM2 - TD CORE STRATEGY - DEV,
TTCAP - Taunton Town Centre Area Action Plan,
T19 - TDBCLP - Primary Shopping Area,
T21 - TDBCLP - Secondary Shopping Areas,
M1 - TDBCLP - Non-residential Developments,
M3 - TDBCLP - Non-residential Development & Transport Provision,

Local finance considerations

Community Infrastructure Levy

Existing floor area = 3304 m2..
Proposed retail floor area = 1804 m2

In the event that all in lawful use within the last 3 years no CIL liability as development is smaller than existing.

In the event that the existing buildings do not meet the lawful use criteria the CIL will be as follows:

Proposed retail floor area = 1804 m2

The application is for retail development outside of Taunton and Wellington town centres where the Community Infrastructure Levy (CIL) is £140 per square metre. Based on current rates, the CIL receipt for this development is approximately £252,500.00. With index linking this increases to approximately £298,000.00.

New Homes Bonus

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

Determining issues and considerations

The main considerations are the impact upon the town centre from the creation of additional retail floor space at an out of centre location, loss of an employment site, highway impacts, residential amenity and visual amenity.

As part of the application a Planning Performance Agreement (PPA) has been signed by both parties. Under the terms of the PPA an independent retail consultant (Savills) has been engaged to provide an independent review of review of the Planning and Retail Statement prepared by Planning Potential (January 2016) on

behalf of ALDI Stores Ltd., submitted in support of the application. The full report is available on the Taunton Deane Website.

The conclusions of the report are set out in the Retail section of this report.

Retail

Under the NPPF, para 23, Local Planning Authorities should, in drawing up Local Plans, recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and should allocate a range of suitable sites to meet the scale and type of retail development needed in town centres. Policy SP2 of Taunton Deane Core Strategy states that one of the key features of the vision for Taunton will focus shopping towards town centre regeneration opportunities delivered through the adopted Taunton Town Centre Area Action Plan (TTCAAP), adopted in 2008. The TTCAAP makes provision for over 43,000 sq.m. of town centre retail floorspace. In addition, the Core Strategy (policies SS1 and SS2) make provision for an additional 8,000 sqm in the allocated Taunton urban extensions. The Peter Brett 2013 Retail Capacity update forms part of the Councils up-to-date evidence base. The Council considers it has made full provision to meet retail requirements over the Plan period, in line with the NPPF requirement.

Paragraph 25 of the NPPF states “Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.”

Sequential approach

A sequential assessment has been submitted by the applicant as part of the application. A full review of the assessment has been independently undertaken by Savills. It is considered that there are sequentially preferable sites suitable, viable and available for an ALDI store.

Firepool is an allocated site under the TTCAAP to provide up to 3,500sqm of convenience retail floorspace. There is a current application on the Firepool site for a mixed development scheme which includes the provision of convenience retailing. However, there is no contractual agreement in place and the site remains available for development. Whilst an ALDI store may not provide the full allocation of convenience retail floorspace, it may still be a suitable development. There is no requirement under the TTCAAP for the allocated floorspace at Firepool to be provided by a single operator. ALDI could operate at the Firepool site either as a stand alone foodstore or alongside another smaller foodstore providing up to the 3,500sqm floorspace allocated.

Hickley Valtone, within Tangier, is an allocated site under the TTCAAP. Despite being currently occupied the site may be considered sequentially preferable due to its allocation of 1,300sqm retail floorspace. The Council would be likely to show some flexibility in the level of retail floorspace provided in line with the requirements of the NPPF. The site is of suitable size to accommodate the proposed ALDI store. A smaller car park would be feasible given its edge of centre location.

When identifying sequentially preferable sites consideration must be given to emerging District Centres. The proposed District Centre at Monkton Heathfield is

considered to be a sequentially preferable site. Policy SS1 states that the new mixed use District centre should contain a 4400 m² (gross) food store. The 2013 Retail Study update has reduced the need for convenience floorspace in Taunton. It is therefore likely that a smaller foodstore at the proposed District centre would be acceptable. In the allocation at Monkton Heathfield there is also provision for additional convenience and comparison retailing which could easily accommodate an ALDI store of the size proposed. The applicant states that the delivery programme of Monkton Heathfield does not represent a practical development opportunity at this point in time. The applicant asserts that there are not currently sufficient residents within Monkton Heathfield to enable a viable ALDI store and that there would not be sufficient number of residents until at least 2022. The Council does not agree with this analogy. The council has requested information on the proposed critical mass of residents which will serve the ALDI store at the proposed site on Bridgwater road, however this information has not yet been submitted. There is therefore a lack of information submitted identifying the catchment area of the proposed store.

Given the number of dwellings that have already been completed under phase 1 of the Monkton Heathfield development, in addition to the existing dwellings, the proposed District Centre is considered to be a viable site. Whilst there is no planning permission in place for the district centre this should not be considered a barrier to the delivery of a foodstore at Monkton Heathfield. A proposal for an ALDI store would be acceptable in principle at Monkton Heathfield without the need for sequential and impact testing and is, therefore, a sequentially preferable site.

The NPPF (para 24) states that when considering out of centre proposals preference should be given to accessible sites that are well connected to the town centre. On the basis of the information submitted, it is not considered that sufficient evidence is available to conclude that the application has passed the sequential test. The sequentially preferable sites, as discussed above, are Firepool, Tangier and Monkton Heathfield as an allocated District Centre.

Policy TC5 of the Site Allocations and Development Management Policies (SADMP) states that retail development out of centre will only be acceptable where no sequentially preferable sites are available, no adverse impact arises on existing or allocated centres, there is no impact on existing, committed or planned investment within a centre, and where the proposal is well connected with an existing centre, and accessible by public transport, cycling and pedestrians for all proposals. The proposal is therefore contrary to the emerging policy TC5.

Impact

The impact of the proposal is considered in terms of the creation of additional retail space for convenience retailing at an out-of-town location. Core Strategy policy CP3 requires an impact assessment for out of centre proposals in excess of 500 sqm gross floorspace. The impact of the proposal is assessed both in its impact upon Taunton town centre and the delivery of planned investment in the district centre at Monkton Heathfield.

Whilst the application is to be considered in terms of its solus impact it must also be considered in terms of its impact with other commitments under the local plan. For

this purpose it is accepted that the allocation of up to 4000 m² convenience retailing floorspace at Firepool is included as a commitment for the purposes of assessing impact.

Savills have undertaken a full assessment of the impact of the proposal including the applicant's assessment of solus impact, cumulative impact on trading against benchmark for the existing food stores in Taunton. The most significant impact is that upon the existing food stores within the town centre. These are Sainsbury's (Billet Street) and Morrisons (Priory Bridge Road). Whilst there is predicted impact upon the other food stores, it is the impact upon the town centre which is of concern due to the resulting impact upon the vitality and viability of the town centre.

The solus impact of the proposed store upon Sainsbury's (Billet Street) is -1.26% and a cumulative impact of -14.92%. The Solus impact of the proposed store upon Morrisons is -4.20% a cumulative impact -18.16%, trading at -42% and -36.6% against benchmark, respectively. The figures demonstrate that if the proposed ALDI was to come forward, in addition to the allocated development at Firepool, there would be significant risk of closure of Sainsbury's (Billet Field) and Morrisons.

The closure of the existing foodstores within the town centre would affect footfall within the town centre, remove links between convenience and comparison stores and therefore have a knock on effect to other retailers within the town centre. Although a large proportion of the cumulative impact on both the Morrisons and Sainsbury's (Billet Street) results from the proposed development at Firepool, Firepool has an allocation for a foodstore and is at an edge of centre location which is sequentially preferable to the ALDI store.

Whilst the delivery of the District Centre could be some time away, the presence of an ALDI on the site would have a negative impact on the ability of a developer to attract convenience retailers to the area due to competition from the ALDI store, if it were granted planning permission. When the Core Strategy was adopted in 2012 the economic conditions were very poor. Development has therefore been slowed down and not been at a level at what was anticipated. However the economic climate is now improving and this has been reflected in the implementation of phase 1 of the Monkton Heathfield Urban extension. Discussions are now moving forward with the masterplan for phase 2 of Monkton Heathfield. There is no reason to suggest that the urban extension will not continue to move forward in its development and the allocated District centre will form a vital part of the development, providing for both the existing and new community.

Based on 4,500 units being delivered, as per the Monkton Heathfield Core Strategy allocation, and an average occupancy rate of 2.4 persons per household, when fully built, Monkton Heathfield could be expected to have a population of approximately 10,800. Based on a convenience goods expenditure of circa £2,000 per person (for 2018, as taken from the applicant's Planning and Retail Statement), a total expenditure of circa £21.6 million could be expected from the population of Monkton Heathfield, which would be sufficient to support around 1,747 sq m (net) of convenience floorspace. If the proposed store is built on Bridgwater Road there would be insufficient expenditure in the catchment area to support a subsequent foodstore in the proposed District Centre, the proposal is therefore considered to impact upon the deliverability of planned investment in the District Centre.

Conclusions from Savills assessment

The application site is in an out of town location and does not benefit from a site allocation, albeit there is some existing A1 and B1 floorspace on the site.

On the basis of the information submitted, Savills do not consider that sufficient evidence is available to conclude that the application has passed the sequential test. The two areas of primary concern relate to the sequentially preferable sites at (i) Firepool and Tangier as development locations on the edge of Taunton Town Centre and (ii) Monkton Heathfield as an allocated District Centre.

Although the solus impact of the proposals is relatively low, Savills do have significant concerns regarding both the Morrisons and Sainsbury's (Billet Street). Trading at -42% and -36.6% against benchmark, respectively, this would place both stores at significant risk of closure if ALDI, as well as Firepool come forward. A large proportion of the cumulative impact on both stores results from the proposed development at Firepool, it is allocated for a foodstore and is at an edge of centre location which is sequentially preferable to the ALDI store.

Accordingly, we disagree with the applicants conclusions with regard to impact as the cumulative impact upon these existing foodstores which, in our view, would be such that they may be vulnerable to closure, which would in turn have a significant adverse impact on the vitality and viability of the Town Centre.

With regard to planned investment our view is that given the likely convenience turnover of £9.96 million for the proposed ALDI foodstore (in 2018) and that it is unlikely that any future foodstore within Monkton Heathfield's District Centre would retain 100% of the convenience expenditure arising from the residents of that development, we anticipate that the proposed ALDI foodstore would have a significant adverse impact on the delivery of the planned investment in the District Centre at Monkton Heathfield.

Loss of employment site

It is accepted that the proposal represents investment into the area and the provision of jobs. The employment the economic benefits of the scheme are marginalised by the existing use of the site as an employment site. Policy CP3 seeks to prevent the loss of employment land to meet employment needs and also provide a range of suitable sites for business growth.

The applicant argues that there is currently an oversupply employment land in the area. However, this is not the case as land supply within the urban area of Taunton is tighter. The proposal is contrary to policy in that it would lead to loss of existing industrial/warehouse the land to retail use. Despite the provision of jobs in association with the retail use there is not an overall benefit of the proposed retail unit which outweighs the advantages of the loss of the employment site. The Council maintains its view that a range and choice of sites are needed to provide a balance and adverse employment base and to ensure space is available for all employment sectors. The current business use of the application site provides opportunities the smaller businesses and the loss of such a site is contrary to the development plan.

Following negotiations with the agent, marketing information has been submitted which demonstrates that the site has been advertised, yet failed to secure an occupier since December 2013. The proposed store will result in 33 full-time equivalent jobs. With the failure to secure suitable business and retail use in the existing buildings and the potential to create jobs as a result of the proposal, the development is not considered to result in significant impact on the local economy from the loss of the business units.

Highways

The proposed development is located directly off of the A38, Bridgwater Road which is situated in close proximity to Creech Castle, the surrounding road network links the Toneway with the M5 to the east and Taunton town centre to the west. This route is considered strategic in nature and it is essential for the Highway Authority that the network operates without significant congestion

The Highways Authority has undertaken detailed discussions with the applicant which has resulted in several Addendum's being submitted to improve the proposed access and highways arrangements relating to the proposal. However, despite the amended plans addressing some of the initial concerns the Highways Authority remains concerned about the highway impacts of the proposed development. The proposal is likely to generate 2000 daily trips. This is a significant increase compared to the existing use of the site. There is currently on street parking along this section of the A38 which is in constant use. The proposed scheme is not suitable in highways terms without a Traffic Regulation Order to prevent on street parking near the access. It is likely that there will be objections to implementing parking restrictions along the section of the road. The increase in traffic may also impact upon the traffic movements at the traffic lights at Creech Castle. The proposal is a right turn lane is therefore not acceptable as it would be contrary to policy DM1 of the Core Strategy and also Section 4 of the NPPF.

In the event of an approval highway improvements and a travel plan would need to be secured either through conditions or a section 106 agreement.

Residential amenity

The proposed building will be 5.46 m high. The surrounding properties are considered to be sufficient distance away to not be overshadowed by the proposed building. Whilst there may be some disturbance in terms of noise consideration must be given to the existing use of the site has mixed business/retail use. Conditions may be implemented to restrict delivery times to daylight hours to reduce impact on surrounding occupiers.

Visual amenity

The design of the building is considered acceptable. The materials are to be white render walls, powder coated aluminium parapet, windows and shopfront. The scale is not considered to be overbearing and the visual impact upon surrounding area is

considered acceptable.

Other matters

A small amount of landscaping is proposed within the redevelopment. Whilst the landscape officer would like to see more landscaping to the front of the site this is not feasible with the requirements of the access and parking.

The site is located within Flood Zone 2 and also a flood warning area. Suitable conditions are required to ensure development does not increase risk of flooding to the surrounding area or surrounding properties. Conditions will also be required to control surface water run-off.

The financial implications are of limited weight.

Conclusion

The NPPF seeks a plan led approach to development to ensure the vitality and viability of the town centre is protected and enhances. The allocations in the Core Strategy, TTCAAP and the SADMP are consistent with this approach.

The application is for a main town centre use which will not be situated in a town centre and is not in accordance with the development plan for the area. The clear aim of the Council's policies is to maintain and enhance the vitality and viability of the town centre. The sequential test is a key element in achieving this. The proposal clearly fails the sequential test and in line with the NPPF should be refused upon this basis.

The proposal would result in significant impact upon the town centre, when considered in line with allocated sites, leaving existing stores in increased vulnerable position could threaten existing town centre provision of convenience goods. In turn there would be a material that footfall in the town centre reducing trade comparison retailers thereby resulting in a significant impact upon vitality and viability of the town centre.

The proposal is likely to impact upon the deliverability of the proposed district centre at Monkton Heathfield.

The proposal is likely to result in significant increase in traffic along this section of the A38 and the traffic at the Creech Castle Junction. It is not demonstrated that a suitable access can be created without adverse impact upon highway safety.

For the reasons outlined above, the proposal is recommended for refusal.

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

Contact Officer: Ms F Wadsley

E/0146/24/16

Alleged non-compliance with prior notification at Higher Knapp Farm, North Curry

OCCUPIER:

OWNER:

MR A DARE
HIGHER KNAPP FARM, KNAPP ROAD, KNAPP NORTH
CURRY
TAUNTON
TA3 6AY

Purpose of Report

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of the unauthorised building works and prevent the potential unauthorised change of use to residential.

Recommendation

The Solicitor of the Council be authorised to service an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with. The notice is to be issued in the event that no valid application to regularise the works is received by 1 August 2016 or if the application is subsequently refused.

The Enforcement Notice shall require:

- Remove the building works and all materials from the site.

Time for compliance:

- 3 months from the date on which the notice takes effect.

Relevant planning history

24/14/0058/CMB - Prior approval for proposed change of use from agricultural building to dwelling house (use class c3) and associated building operations. REFUSED.

24/15/0013/CMB - Prior approval for change of use and conversion of agricultural building to one private dwelling house (use class c3) including partial demolition, formation of garden curtilage and parking provision. APPROVED.

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless

material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2004), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

National Planning Policy Framework

Paragraph 55

Para 207 – Enforcement

Taunton Deane Borough Council Core Strategy 2011-2028

SP1 - Sustainable Development Locations

DM1 - General Requirements

DM2 - Development in the Countryside

CP8 - Environment

Determining issues and considerations

Following a complaint from a member of the public the site was inspected to see if the development was proceeding in accordance with the prior approval that had been granted. On site it was noted that the majority of the barn (that was to be retained) had been demolished, only a small proportion of the walls remained. Approximately 75% of the building had been removed and it appeared that what was remaining of the building had been demolished and rebuilt. As such the development constitutes the demolition and the erection of a new dwelling in the countryside. The owner of the site can no longer rely on the prior approval that has been issued.

The owners are considering what action they intend to take and may submit a full planning application for the dwelling. If an application is not received or if the application is received and refused officers seek the authority to take enforcement action.

The NPPF has guidance on the promotion of sustainable development in rural areas, and that Local Planning Authority should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. In terms of Taunton Deane Core Strategy, Policies SP1, CP8 and DM2 restrict new developments in open countryside.

The residential use and new building works are detrimental to the character and appearance of the area, and increases the need to travel to access services. It is considered expedient to prevent the residential use of the site. The alternative would be sporadic residential development in open countryside contrary to Policy.

It is therefore considered that the development is unacceptable in principle and it is recommended that enforcement action is taken for the following reasons:

The residential use on the site results in sporadic development in the open

countryside that collectively would be detrimental to the amenities of the Taunton Deane Core Strategy Polices CP8, DM1 and DM2.

The residential use of the site results in an unsustainable form of development that would mean that occupiers of the site are heavily reliant on the private car for most of their day to day needs. As such the proposal is contrary to Taunton Deane Core Strategy Policies SP1.

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

PLANNING OFFICER: Mr G Clifford
PLANNING ENFORCEMENT OFFICER: Christopher Horan

CONTACT OFFICER: Christopher Horan, Telephone 01823 356466

E/0181/34/14

UNAUTHORISED COOLER UNITS INSTALLED ON EXTERNAL WALL AT THE POST OFFICE, STAPLEGROVE

OCCUPIER:

OWNER: MR PATEL
THE POST OFFICE, MANOR ROAD, STAPLEGROVE
TAUNTON
TA2 6AN

Purpose of Report

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of 4 No cooler units from the rear elevation at Staplegrove Post Office, Manor Road, Taunton.

Recommendation

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

The Enforcement Notice shall require:

To remove the 4No cooler units from the The Staplegrove Post Office.

Time for compliance:

2 months from the date on which the notice takes effect.

Background

The complaint was brought to the Enforcement team in November 2014. Contact was made with the owner regarding the units and an application was submitted for consideration to retain them. In March 2015 the application was refused and the owner was written to and advised to remove the units within 28 days in order to avoid this Authority considering issuing an Enforcement Notice. Contact was made again in August 2015 and the owner asked if he could relocate the units. He was advised that this maybe a possibility but he needed to submit another planning application for consideration.

Description of breach of planning control

The erection of 4No chiller units on the rear elevation of The Post Office, Manor Road, Staplegrove, Taunton, without obtaining planning permission.

Relevant planning history

This site is on the corner of Manor Road and Staplegrove Road with off street parking. There is a shop and post office with a hairdressers next door. The Shop and Post Office building is constructed of brick under a pitched, tile roof with white windows. To the side is a flat roof section that has a rendered finish to the rear. There have been two planning applications:-

34/13/0019 - Extensions to shop area at the post office, Manor Road, Staplegrove - Conditionally approved 06.08.2013

34/15/0001- Installation of 4No cooler units to rear elevation at Staplegrove Post Office, Manor Rd, Staplegrove (Retention of works already undertaken) - Refused 19.03.2015

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2004), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 (f) Taunton Deane Core Strategy (2012)
Paragraph 207 of the National Planning Policy Framework.

Determining issues and considerations

The pertinent issues to consider are the impact of the proposed chiller units upon visual and residential amenity.

In visual terms the proposed units are clearly visible from along the public footway to the East of the site; they are suspended above ground level and cannot be screened from view as a consequence. That said, within the context of the site, the visual impact of the units are quite limited and they relate to the recently completed flat roof extension. Visually they form part of the commercial property and the visual impact is not considered to be so severe as to warrant the refusal of planning permission alone.

When considering the planning application, objection was received from a neighbouring resident over the impact of the units upon their amenity, noting particularly the noise and disturbance that they cause during the day, but more importantly at night with the noise from the units was said to disturb sleep. The applicant did not provide the Council with any specific noise information for the development. From on site observations the units appear to be in use throughout the day and they do serve refrigeration which suggests that they will run 24 hours a day. During the day time, background noise is relatively high due to the almost constant flow of traffic along the A358 to the South; the impact of the highway noise significantly reduces the audible level of the units.

At night and times when the flow of traffic along the A358 is low, the four cooler units will doubtless result in increased noise and disturbance to neighbouring residents. From on site observations and taking into account the proximity of the units to the neighbouring bedroom window, the proposed development is considered to cause an unacceptable disturbance to amenity through the generation of noise.

The impact of noise upon amenity is considered to conflict with Policy DM1 of the Taunton Deane Core Strategy. As such it is recommended that planning permission be refused.

The cooler units, virtue of their number, elevated position on the building, proximity to neighbouring residential dwelling and level and frequency of noise generated, are considered to adversely impact upon residential amenity to an unacceptable degree. The proposals therefore conflict with Policy DM1 (f) of the Taunton Deane Core Strategy.

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

PLANNING OFFICER: Mr M Bale
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

E/0093/37/15

ALLEGED UNAUTHORISED OCCUPATION OF MOBILE HOME AND STORAGE OF CARAVANS, STOKE WOODS, STOKE ST MARY

OCCUPIER:

OWNER: Frances Clarke
6 HOLDEN RIDGE, KENNFORD, EXETER
EX6 7XA

Purpose of Report

To consider whether it is expedient to serve an Enforcement Notice requiring the unauthorised change of use of the site to cease and the removal of all materials relating to the activities from the site.

Recommendation

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

The Enforcement Notice shall require:

- a) Cease the use of the site for the stationing of a mobile home and caravans.
- b) Cease the use of the site for residential / domestic use.
- c) Remove the mobile home and caravans from the site.
- d) Remove all residential and domestic equipment from the site.

Time for compliance:

With regards to a) above 3 months from the date on which the notice takes effect.

With regards to b) above 3 months from the date on which the notice takes effect.

With regards to c) above 3 months from the date on which the notice takes effect.

With regards to d) above 3 months from the date on which the notice takes effect.

Relevant planning history

37/16/0011 – Siting of mobile home to be used as a dwelling for forestry workers at The Woodshed, Stoke Hill, Stoke St Mary (retention of works already undertaken).
INVALID

37/08/0012/AGN – Erection of an agricultural building for the storage of machinery

and seasoning of firewood. APPROVED

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2004), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

National Planning Policy Framework

Paragraph 55

Para 207 – Enforcement

Taunton Deane Borough Council Core Strategy 2011-2028

SP1 - Sustainable Development Locations

DM1 - General Requirements

DM2 - Development in the Countryside

CP8 - Environment

Determining issues and considerations

The site is an ancient woodland located in the open countryside. The site is visible from the adjacent public walkway and surrounding agricultural land. The owner keeps the land as a woodland and states that some small scale forestry operations occur on the site.

A complaint has been received about the stationing of a mobile home within the site, near the southern boundary of the site overlooking the adjacent field. There is also a number of caravans in various states of disrepair located in the middle of the site next to the owners storage shed. The owner alleges that the mobile home is used by a forestry worker (and partner) employed on the site and that the caravans are stored on the land and not used.

The owner has submitted a planning application to retain the mobile home. This application is currently invalid as it included very little detail and cannot be processed. Despite requests to supply the required information this has not been forthcoming.

The NPPF has guidance on the promotion of sustainable development in rural areas, and that Local Planning Authority should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. In terms of Taunton Deane Core Strategy, Policies SP1, CP8 and DM2 restricts new developments in open countryside.

The mobile home and caravans are in an isolated location within the open countryside, without any justification. The continued presence of the mobile home and caravans and the residential use is detrimental to the character and appearance of the area, and increases the need to travel to access services. It is considered expedient to have the mobile home and caravans removed and the residential use cease. The alternative would be sporadic residential development in open countryside contrary to Policy.

It is therefore considered that the development is unacceptable in principle and it is recommended that enforcement action is taken for the following reasons:

The stationing of the mobile home and caravans on the site and the associated residential use results in sporadic development in the open countryside that is collectively detrimental to the visual amenities of the Taunton Deane Core Strategy Policies CP8, DM1 and DM2.

The residential use of the site results in an unsustainable form of development that would mean that occupiers of the site are heavily reliant on the private car for most of their day to day needs. As such the proposal is contrary to Taunton Deane Core Strategy Policies SP1.

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

PLANNING OFFICER:

Mr M Bale

PLANNING ENFORCEMENT OFFICER: Christopher Horan

CONTACT OFFICER:

Christopher Horan, Telephone 01823 356466

E/0072/43/16

Removal of hedgerow on south side of Payton Road, Westford

OCCUPIER:

OWNER:

MR MITCHELL
ORCHARD FARM, ORCHARD LANE, HILLCOMMON
TAUNTON
TA4 1DW

Purpose of Report

To consider whether it is expedient to take enforcement action requiring the reinstatement of important hedgerows removed without permission.

Recommendation

The Solicitor of the Council be authorised to service a Hedgerow Replacement notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

You are required to plant a replacement hedge in the area shown on the attached plan using bare root stock plants, 60 – 90cm or 90 – 120cm as follows:

5 hedge plants per metre length planted in double staggered rows with 40cm gap between each row.

Species of hedge plants to be:

- 25% field maple (*Acer campestre*)
- 25% hawthorn (*Crataegus monogyna*)
- 20% hazel (*Corylus avellana*)
- 10% blackthorn (*Prunus spinosa*)
- 10% dogwood (*Cornus sanguinea*)
- 5% guelder rose (*Viburnum opulus*)
- 5% holly (*Ilex aquifolium*)

Time for compliance:

The period during which the works must be carried out are: 1 November 2016 to 30 November 2016

Relevant planning history

NA

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2004), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

National Planning Policy Framework

Para 207 – Enforcement

Determining issues and considerations

The hedgerow regulations seek to protect important hedgerows from removal. The regulations set out a number of classification criteria that identify which hedgerows are deemed to be important. The regulations allow for the removal of hedgerow in some circumstances and where necessary. They require a formal application be submitted to the Council for consideration.

A complaint was received in March 2016 regarding the removal of a hedgerow from a field.

The site was inspected and compared to historic records and photography for the area. It was evident from the inspection that a large area of hedgerow had been removed from the land. Further investigation revealed that a second section of hedgerow had been removed from the field. The sections of hedgerow that were removed were classed as “important” in terms of the regulations. The field appeared to have been ploughed recently and the plough lines ran across the entire site and through the locations where the hedgerows were located.

The owner of the land was identified and it was noted that this individual had previously been investigated for the removal of a hedgerow in August 2012 and formally warned for breaching the Hedgerow Regulations. This related to a separate piece of land in his ownership. In this previous case the owner did not take any action to rectify the matter and the Council chose not to pursue the matter further.

With regards to the land subject of this report the owner was written to in March 2016 and asked for an explanation as to why the works occurred. No reply was forthcoming. The matter was passed to the enforcement officer who again wrote to the owner asking for contact to be made by a specified date. Messages were left with the Enforcement Officer after the due date. At the time this report was prepared these messages have been returned but no contact has been established or any

explanation for the works received.

Officers consider that it is expedient to ensure that the hedgerow is replaced and to this end seek authority to issue a Hedgerow Replacement notice. This will formally require the owner to reinstate the lost hedgerow during the 2016 / 2017 planting season.

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

PLANNING OFFICER:

PLANNING ENFORCEMENT OFFICER: Christopher Horan

CONTACT OFFICER: Christopher Horan, Telephone 01823 356466

APPEALS RECEIVED – 13 July 2016

Site: MOUNTLANDS SCHOOL, 103 SOUTH ROAD, TAUNTON, TA1 3EA

**Proposal: Replacement of timber windows with double glazed white Upvc at
Mountfield's School, 103 South Road, Taunton**

Application number: 38/16/0101

Appeal reference: APP/D3315/W/16/3152484
