

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool, Taunton (Main School Hall) on 11 October 2017 at 18:15.

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### **Agenda**

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 13 and 20 September 2017 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors or Town or Parish Councillors will automatically be recorded in the minutes.
- 5 47/17/0006 Erection of boundary wall, fence and gates, installation of dormer windows over garage and canopies over patio doors and garage at Meare Green House, Meare Green, Wrantage
- 6 19/17/0008 Construction of Ha-Ha, reconfiguration of driveway and repositioning of fencing at Hatch Court, Frost Street, Hatch Beauchamp
- 7 10/17/0022 Replacement of 3 No. poultry buildings with 2 No. poultry buildings, service room and 3 No. feed bins at Churchinford Poultry Farm, Church Road, Churchinford
- 8 Latest appeals and decisions received

Bruce Lang  
Assistant Chief Executive

19 January 2018



Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under "Public Question Time" is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council's Planning Committee and details of the "rules" which apply at these meetings can be found in the leaflet "Having Your Say on Planning Applications". A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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



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



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

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

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

**Planning Committee Members:-**

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

47/17/0006

MR R HEWTON

**Erection of boundary wall, fence and gates, installation of dormer windows over garage and canopies over patio doors and garage at Meare Green House, Meare Green, Wrantage**

Location: MEARE GREEN HOUSE, MEARE GREEN, WEST HATCH,  
TAUNTON, TA3 6DA

Grid Reference: 329666.122297

Full Planning Permission

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## **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) DrNo WDS1701 Location Plan  
(A4) Proposed Site Plan  
(A1) DrNo WDS1700-6 Proposed Layout  
(A4) DrNo WDS1800 Rev A Front Wall

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

3. Any drive and/or turning areas hereby permitted shall be constructed so as to be permeable and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: To prevent the discharge of water onto the highway, in the interests of reducing the risk of flooding, in accordance with the relevant guidance in Section 10 of the National Planning Policy Framework.

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

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

#### Notes to Applicant

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

## Proposal

The application proposes the installation of a catslide dormer windows to replace the rooflights to the front and rear of the side extension recently approved, the installation of canopies to front elevation over patio doors and garage door and the construction of a front boundary wall. The wall is located approximately 1.6m back from the carriageway.

Amended plans have been received showing the installation of a first floor above the approved garage to provide additional living accommodation and the reduction of the height of the front boundary wall to 1.6m with 1.8m high pillars. The wall is to be constructed in part render with a timber fence above and timber gates. The repositioning of the vehicular access was approved under the previous application 47/16/0015.

## Site Description

Meare Green Cottage is a modern detached property which has rendered walls under a tiled roof. A recent application (47/16/0015) allowed the construction of a

two storey side extension to the western elevation to provide a garage. The extension proposed rooflights in the roof to the front and rear.

This property and the neighbouring one, The Orchards were given planning permission in the 1990s both as replacement dwellings. Part of the design of each dwelling was accommodation within the roof space with cat slide dormers shown front and back. This is a traditional feature and is demonstrated further along the road.

## Relevant Planning History

47/04/0012 - Retention of minor flood attenuation work including 0.6m high concrete block wall - Approved - 9 November 2004

47/16/0015 - Two storey extensions, relocation of garage and reposition of access - Approved - 3 March 2017

## Consultation Responses

*WEST HATCH PARISH COUNCIL* - The Parish Council have examined the amended proposals for the alterations.

The applicants have changed the height of the front wall from 1.8m to 1.6m a somewhat smaller reduction than was envisaged at the site meeting held on 17 August 2017. WHPC welcomes the introduction of shrubs to soften the appearance of the boundary wall but would encourage a further reduction in height.

The applicants have made a late amendment to the internal first floor plan, changing the storage space above the garage (previously 'ground floor only') to a study and an extension to bedroom 3. WHPC comments i) that a study would be best served by a velux-type window to maximise light and ii) that the need for a second dormer to bedroom 3 appears unnecessary.

In view of the above and the 'overlooking' concerns of immediate neighbours. WHPC strongly objects to the proposed change from velux-type windows to dormers.

## Representations Received

Eight representations have been received objecting to the proposal on some or all of the following grounds:

- increase in the overall bulk and imposition of the building
- out of character with other properties in the hamlet
- wall is unsympathetic and out of keeping with surrounding properties where hedged are generally used for boundary treatment
- bulk of wall would be overpowering
- a post and rail fence with planting behind would be an appropriate boundary treatment
- the height of the boundary wall appears to be 2.1m to the top of the pillars
- increased overlooking and loss of privacy from installation of dormer rather than

rooflight

- object to the concrete posts in the ditch which could obstruct the flow of water during a flood event

As a result of the reconsultation following the receipt of amended plans, a further three submissions were received making the following comments:

- further lack of privacy and overlooking of the neighbouring properties
- wall and fencing is out of keeping, where hedges and low walls predominate.
- concrete posts in the watercourse would impede the free flow of water
- access for maintenance is essential
- if approved could set a precedent for future development

## **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), the Taunton Site Allocations and Development Management Plan (2016), 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.

DM1 - General requirements,  
D5 - Extensions to dwellings,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

The proposal does not attract an infrastructure levy.

## **Determining issues and considerations**

The issues to consider are the impacts on the amenities of local residents and on the character and appearance of the development on the streetscape. Policies DM1 and DM5 are of particular relevance.

The amended plans indicate a first floor above the approved garage to provide additional living accommodation by way of an extension to bedroom 2 to the rear and a study to the front. The boundary wall has also been amended to reduce the overall height to 1.6m with 1.8m pillars. The canopies are cantilevered and are to be



constructed with tiles to match the existing.

It is considered that the height of the front boundary would be similar to that on the adjoining site, whilst using a mix of materials to reduce the visual impact. Planting is proposed to soften the impact and a landscaping condition has been included. The wall would be set back from the edge of the highway by approximately 1.6m to allow for the drainage works to be constructed in accordance with the previously approved application. No works are proposed in the watercourse. The appearance and character of the street scene would not be unacceptably harmed by the proposal.

The installation of the canopies to the front elevation would not significantly increase the bulk of the building and would be in keeping in terms of design and scale.

The installation of dormer windows to the front and rear of the extension currently under construction would be in keeping in design and size with the existing dormers in the front and rear elevations. The bulk of the building would not be significantly increased. Given the position and distance of the adjoining properties to the east and the location of their private amenity space, it is considered that the installation of dormers to replace rooflights would not result in a significant increase in overlooking and loss of privacy to these properties.

The proposal is considered to comply with the relevant policies and approval is recommended.

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

**Contact Officer: Denise Grandfield**

19/17/0008

MR P GIBBS

**Construction of Ha-Ha, reconfiguration of driveway and repositioning of fencing at Hatch Court, Frost Street, Hatch Beauchamp**

Location: HATCH COURT, FROST STREET, HATCH BEAUCHAMP,  
TAUNTON, TA3 6AA

Grid Reference: 321625.124461

Full Planning Permission

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## **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

(A3) DrNo 105/2 Drive as Proposed

(A3) DrNo 105/4 Rev. A Deer Park as Proposed

(A3) DrNo 105/5 Proposed Ha-Ha

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

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

The reinstated fencing along the semi-elliptical line south of the swimming pool indicated on DrNo 105/4 Rev. A shall use the original railings retained on site, including those capable of restoration. The remainder shall be exact copies of the traditional estate fencing found elsewhere on the site.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 and to protect the historic environment in accordance with policy CP8 of the Taunton

Deane Core Strategy.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with policy ENV4 of the SADMP, policy CP8 of the Taunton Deane Core Strategy, and the relevant guidance in Section 12 of the National Planning Policy Framework.

#### Notes to Applicant

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

## Proposal

The application proposes the construction of a fence to the south of Hatch Court, a ha-ha running north to south to the east of Hatch Court and the realignment of the vehicular access from the west within the grounds of a Grade I listed building and a Grade II listed historic park. The park and garden is listed as being of Special Historic Interest. Amended plans have been received showing the repositioning of the fence back to the original 1880's alignment to the south of the building, following a semi-elliptical line beyond the swimming pool and the reinstatement of iron railings along the fence line.

## Site Description

The site lies in an area of open countryside on the outskirts of the village of Hatch Beauchamp. Parklands surround the Grade I listed building including a deer park.

## Relevant Planning History

19/07/0015 - Single room garden building - Approved - 1 February 2008

## Consultation Responses

*HATCH BEAUCHAMP PARISH COUNCIL* - No comments on the plans

*HERITAGE* - The proposal has been the subject of negotiation with Historic England who are supporting the proposal. I am happy to defer to them and support their recommendation of approval.

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations to make

*LANDSCAPE* - No landscape objections to the repositioning of the drive. I agree that it would not harm the significance of the designated landscape of this registered park and garden.

The proposed ha-ha will be in keeping with the parkland. However care must be taken during its construction not to damage roots of the cedar tree.

*HISTORIC ENGLAND* - Amendments to this application now includes "iron railings reinstated to 1880's curved line around the edge of the garden to the front of the house".

As stated in our previous letter, Hatch Court is Grade I building and set within a Grade II Registered Park & Garden. Our primary/statutory remit relates to the setting of the Grade I house, but clearly any development around the house will impact on the significance of the Grade II Registered Park & Garden.

No details have been provided of the proposed iron railings, nor has any evidence been submitted as part of the application to suggest that there were railings in this location nor their detailed design. If such evidence were to be provided we would not object to the principle of their reinstatement.

We have not objected to the other elements of the proposal (the realignment of the drive and the creation of a ha-ha) on the basis that they do not, in our view, harm the significance of the designed landscape. Your own landscape officer is of the same view. We understand that the Gardens Trust, as the statutory consultee for registered parks and gardens (including Grade II landscapes) considers that there is an impact. Obviously it is up to the Council to take a balanced view of the proposals, in line with guidance in the *National Planning Policy Framework* (2012) and elsewhere. In addition to the detailed *List Entry Description* of the Hatch Court Registered Park & Garden, we have become aware that a *Historical Analysis of the Landscape at Hatch Court*, by Jonathan Lovie, was submitted as part of a previous application on this site (19/2006/025). This does not appear to be available on line, but reference to it may assist your authority in determination of this planning application.

### **Recommendation**

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application.

*THE GARDENS TRUST* - Object to the proposal as it would result in substantial, permanent detrimental change to this Grade II registered landscape and setting of a Grade I listed building. In particular the ha-ha would cause significant harm to the fabric and character of the designated designed landscape.

Many thanks for sending the Gardens Trust the amendment to this application. I have read the Public Benefit statement and looked at Mr Gibbs's architect's revised drawing. The Gardens Trust is glad to see that they have noted some of our comments and welcomes the reinstatement of the semi-elliptical fencing along its original line, which was taken down without consent. Removal of this fencing from the curtilage of a Grade I building, mentioned specifically in the listing, is, as you are obviously aware, an offence which would otherwise have had to be dealt with by an enforcement notice. The line of the replacement fencing shown in Drawing 105/4A seems broader and shallower than the line indicated on the 1820 estate plan (see attached FYI). We would like confirmation that the reinstated fencing will follow exactly the original line of the fence that has recently been taken down. The GT understands that at least some of the original railings still exist, stored in a nearby barn. We would also ask for confirmation that the replacement fencing will include any original railings capable of restoration, and that the remainder will be exact copies of the originals. The original fence by itself will not be deer proof, so the GT would advise that as per Julian Gibbs' letter to Phillip Gibbs, the reinstated fencing goes directly above a newly constructed haha which follows the line of the semi-elliptical fencing. The GT would also recommend that an archaeological watching brief be put in as a condition of any consent, if given, when excavating for the construction of the curved section of haha. The archaeologists could also look out for evidence of the alleged mid-eighteenth century Prowse haha in any excavation.

I was surprised to see that Julian Gibbs' letter (mentioned above) on behalf of the Gardens Trust (which I forwarded to you and am attaching again) does not appear on the website as part of the official responses to the application. As the GT's expert representative who recently visited the site on our behalf, his comments are extremely important when your officers come to determine the application. We do not support, and continue to object to, a haha running at right angles to the house as detailed in drawing 105/4A for all the reasons outlined in earlier correspondence. A haha aligned with the reinstated original fencing would fulfil Mr Philip Gibbs' requirement to keep the deer from the garden. The GT would accept a short section of the haha as per drawing 105.4A marked with a zig-zag line on the attached annotated version of this drawing. We would also respectfully suggest that the new deer fencing does not cut across the middle of the deer park but is threaded through the trees around the edge of the parkland (see attached annotated drawing) to the south and east of the house so that the deer can again graze a park which approximates to the original layout as per Julian Gibbs' suggestion :

" This solution would of course entail erecting a high deer fence along the church drive and the short stretch of your drive. To do so, I suggest you do not alter the existing park rails but erect the deer fences parallel to them, about 10 yds further in to the park (to east and south). I am certain they would be hardly seen if carefully threaded through the trees, which as you pointed out need thinning anyway. The fences could be further disguised by judicious planting of thickets of thorn and holly".

With regard to the alterations to the drive, if the suggestions with regard to the fencing and haha are taken on board, the GT would be prepared to accept the relatively minor alteration to the drive. Adoption of GT's fencing/haha recommendations would remove our current objection to the proposed changes.

## **Representations Received**

None

## **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), the Taunton Site Allocations and Development Management Plan (2016), 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.

DM1 - General requirements,  
DM2 - Development in the countryside,  
CP8 - Environment,  
ENV4 - Archaeology,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

The proposal does not attract an infrastructure levy.

## **Determining issues and considerations**

The main issues to consider are the impacts on the Grade I listed Hatch Court and the Grade II listed historic parkland. Policy DM1 sets out the general requirements for development and policy CP8 relates to the Environment and sets out the criteria for development.

The alignment of the fence to its original position and the reinstatement of the railings along the alignment is considered to be acceptable to Historic England and to the Gardens Trust. Where possible the original railings (apparently currently stored on site), restored where necessary, should be used and the remainder should be exact copies of the original. The Gardens Trust welcomes the reinstatement of

the semi-elliptical fencing along its original line.

The realignment of the driveway will allow the approach from the south-west to better reveal the western elevation of the house. Historic England considers the alteration to be modest and would not in their view harm the significance of the designed landscape. The Gardens Trust considers the realignment to be a minor alteration.

The construction of the ha-ha is considered to be a pragmatic solution, employing an authentic landscape device to retain the deer to the park to the east, whilst allowing unimpeded views from the house to the south, east and west. The proposal is supported by Historic England. However the Gardens Trust objects to the ha-ha which they consider to be fundamentally misguided and harmful to the integrity of this nationally significant landscape. The Gardens Trust has suggested what they consider to be a more appropriate alignment for the ha-ha, to follow the alignment of the semi-elliptical fence.

Policy CP8 requires the conservation and enhancement of the natural and historic environment and the Council will not permit development proposals that would harm these interests.

It is considered that the point of difference of opinion between Historic England and The Gardens Trust relates to the location of the ha-ha. The location and construction of the ha-ha approximately 190m in length will allow for the removal of an inappropriate 2m high wire fence located in close proximity to the house and intrusive in the landscape. The ha-ha will be located approximately 40m to the east of the house and a height of 1.2m with estate railings fixed along the top. The railings will connect with existing railings enclosing the park and garden. The ha-ha is to be constructed in rough faced Bath stone with intermittent quoins along its length and at each end. The top of the wall will be finished with a capping of Portland stone.

Whilst the site does not fall within the area identified as a County Archeological site, it is very close to the location of the ha-ha and therefore it would be appropriate for the developers to provide for an adequate programme of works.

It is considered that the scale of the development is in keeping with the existing development on the site. The construction of the ha-ha would allow open views from the house. There would be limited visibility of the ha-ha from outside the site. The reinstatement of the fence and railings to its original alignment is considered acceptable. Finally the slight change of alignment of the access road is not considered to be a significant change.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any features of historic or architectural interest when deciding whether to grant planning permission. The proposal would not affect the setting of the listed building or cause significant harm to the natural and historic environment. While the view of the Garden Trust is noted, in view of the Landscape Officer and Historic England comments it is considered that the appearance and character of the landscape and building would not be unacceptably harmed by the development. The application is considered acceptable and approval is recommended.

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

**Contact Officer: Denise Grandfield**



10/17/0022

AMBER REAL ESTATE INVESTMENTS LLTD

**Replacement of 3 No. poultry buildings with 2 No. poultry buildings, service room and 3 No. feed bins at Churchinford Poultry Farm, Church Road, Churchinford**

Location: CHURCHINFORD POULTRY FARM, CHURCH ROAD,  
CHURCHINFORD, TA3 7DN

Grid Reference: 320865.113257 Full Planning Permission

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## **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:

(A1) DrNo 200. 10 Site Location Plan & Existing Block Plan  
(A1) DrNo 200. 11 Proposed Block Plan  
(A1) DrNo 528-37-SK1 Proposed New Houses In Place Of Existing Houses  
2,3 & 4  
(A1) DrNo 020 GF & Roof Layouts  
(A1) DrNo 021 Elevations  
(A1) DrNo 022 Sections  
(A1) DrNo 528-117-101 Drainage Plan  
(A1) DrNo 528-117-102 Site Plan

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

### **Notes to Applicant**

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

applicant and has negotiated amendments to the application to enable the grant of planning permission.

2. Your attention is drawn to the environmental permit relating to the site.

## **Proposal**

The proposal is to demolish three old poultry sheds and provide two new ones that will provide more modern facilities for broiler chickens. The new sheds will be approximately 94m x 24m and 6m high while the replacement feed silos will be 7.5m high. The new units will be sited in the place of the existing ones and will result in a reduction in the capacity of the site by 3,400.

The applicaiton is referred to committee because the applicant has submitted an Environmental Statement and it must, therefore, be dealt with as EIA development.

## **Site Description**

The existing site, to the north of Church Road heading out of the village, consists of a broiler unit producing birds for the table on a typical 40 day cycle. Allowing for a 6 day clean out period around 7-8 batches are reared per year. The site is surrounded by trees and is only visible from the access point.

There are currently 8 poultry houses on site and the last 2 had planning permission in October 2012, reference 10/12/0016.

## **Relevant Planning History**

10/87/017 - Erection of three broiler houses, Churchinford Farm, Church Road, Churchinford - CA 11/2/88

10/12/0016 - Erection of two additional poultry houses and associated infrastructure including feed bins and hardstanding at Churchinford Poultry Farm, Church Road - CA 17/10/12

## **Consultation Responses**

*CHURCHSTANTON PARISH COUNCIL* - No comments to make.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to standing advice.

*LANDSCAPE* - The existing units are already well screened from the public highway by existing hedgerows. As the development relates to their rebuild, I agree that landscape character will be unaffected.

*BLACKDOWN HILLS AONB SERVICE* - On the basis that this is redevelopment within the established unit and does not result in increased numbers of birds on this occasion we do not wish to submit any detailed comments in respect of impact on the AONB.

*BIODIVERSITY* - There are several protected sites (SAC and SSSI) located within 5-10 km of the site, so Natural England should be consulted on this application. Larry Burrows at the County council will be able to advise if a Test of likely significance is required.

The applicant has submitted an old survey to support the application (eco check Consultancy Ltd date April 2012). This survey was submitted in support of a former application to extend the site eastwards on an area of grassland. The report concluded that

- None of the habitats within the site interior or the species they contain are particularly ecologically rare or high quality. The combination of hedgerows, trees, woodland, earth banks and rank grassland do offer a range of foods and refuges to wildlife.
- No mammals, reptiles or amphibian subject to special protection have been identified as being resident on the site. It is considered that great crested newts, water vole, white-clawed crayfish and otter will not be present within or adjacent to the site given the lack of suitable habitat for these species both within the site and adjacent areas. There is the potential for the site to be used by bats, badgers, birds, dormouse and reptiles at least for foraging for food.

I agree that given the present proposal relates to a previously developed site and there are no changes being made to the established boundary hedges and trees, then no further assessment is necessary.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* -

*ENVIRONMENT AGENCY* - No comment received

*NATURAL ENGLAND* - Natural England considers that the main potential adverse effect of this proposal is air pollution on protected sites within 5km. We note that the number of birds to be housed in the replacement buildings is slightly less than the previous licence allowed. Therefore, provided that measures to minimise and mitigate air pollution are at least as effective as the previous measures Natural England has no objection to the proposal.

## **Representations Received**

None

## **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), the Taunton Site Allocations and Development Management Plan (2016), 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.

CP1 - Climate change,  
CP2 - Economy,  
CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
ENV1 - Protection of trees, woodland, orchards, and hedgerow,  
SD1 - Presumption in favour of sustainable development,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

N/A

### **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 issues with the proposed new poultry units are the impact on the character of the area, the amenity of nearby properties, the surface water provision and any impact on SSSI's and wildlife.

The site is one that is well established as a poultry producer having been in operation for over 30 years. The site lies around 450m out of the village off the northern side of Church Road and is well screened by existing boundary trees. The boundary trees will be unaffected by the development and in light of this the two new poultry houses will be adequately screened and the proposal is not considered to have any adverse impact on the landscape character and appearance of the AONB.

There have been no objections on amenity grounds from neighbours and the new

poultry houses will be sited between existing poultry buildings and will not be visible to neighbours as they will be over 100m away. There are already poultry houses on site and the site, due to its age, has no restrictive planning conditions, although there is an environmental permit controlling the site. There is a planting belt of trees 11m wide between the site and the boundary screening the buildings.

The Environmental Health Officer has raised no objection and the main control is via the Environmental Permit covering the site. The Environment Agency has raised no adverse comments. The applicant's submission indicate that odour exposure levels are not likely to rise due to the scheme and should not lead to nuisance, annoyance or complaint, given mitigation and the need to comply with the Environmental Permit. The new buildings will have improved ventilation fans. Lorry feed deliveries will operate during working hours and the reduction in overall bird numbers will therefore mean the new units should not have a negative impact on noise generation from the site and will not result in any increase in traffic movements. It would appear from the information submitted that the new proposal would not increase traffic, noise and odour to warrant an objection to the scheme.

The proposal will utilise existing facilities to deal with both dirty water and clean surface water and the attenuation previously provided has not raised issues since its installation. The new development replaces three units with two and will not result in any greater hard surface area and so no increase in surface water run-off. The Environment Agency has raised no objection to the development.

A wildlife survey and ecological assessment has been submitted with the application as part of the EIA. The site lies within notifiable distance of a number of SSSI's and the comments of Natural England, therefore, on the impact of the scheme on these areas is crucial in the determination of the proposal. No objection has been raised in respect of the impact on the Quants Special Area of Conservation and other SSSI's in the area and the development in reducing overall broiler numbers will not impact on the area.

In summary the provision of two poultry houses to replace three existing ones are considered to comply with the policy requirements of Core Strategy policies DM1 and DM2 for general requirements and development in the countryside. The site is for an agricultural use near an existing road, it is compliant with the Habitats Regulations, it is a scale and design compatible with the rural area and it is not considered that any pollution in terms of noise, odour and dust would unacceptably harm public health, safety or the amenity of nearby dwellings, given the environmental controls of the site. If anything these impacts should reduce. Consequently the application is recommended for approval.

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

**Contact Officer: Mr G Clifford**

**APPEALS RECEIVED –**

**Site:** STATION FARM, STATION ROAD, BISHOPS LYDEARD, TAUNTON TA4 4BU

**Proposal:** Erection of 3No. dwellings with associated car parking, landscaping and drainage infrastructure at Station Farm, Station Road, Bishops Lydeard

**Application number:** 06/16/0036

**Appeal reference:** APP/D3315/W/17/3180784

**Start Date:** 19 September 2017

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**Site:** 191 CHEDDON ROAD, TAUNTON

**Proposal:** Demolition of shed and erection of two storey dwelling, with garage and formation of vehicular access with associated highway works at 191 Cheddon Road, Taunton

**Application number:** 38/16/0456

**Appeal reference:** APP/D3315/W/17/3180382

**Start Date:** 19 September 2017

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Appeal Decisions –11 October 2017

Site: HOLBAINES MEADOW, WHITEBALL ROAD, SAMPFORD ARUNDEL,  
WELLINGTON, TA21 0LS

Proposal: Formation of new access onto A38 at Holbaines Meadow, Sampford Arundel

Application number: 32/16/0001

Reasons for refusal: The proposal to create a new access in this location would be prejudicial to highway safety primarily because it would result in vehicles having to wait in the overtaking/climbing lane on the A38 before being able to turn into the new entrance from a westerley direction. This raises serious highway safety concerns as it would see a potential increase in rear end shunts and would also interrupt the through flow of vehicles using the A38 which is a Class 1 route. In such cases a right turn lane would be required and it is noted that the applicant does not own sufficient land in order to form such a requirement. On this basis, the proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028.

Appeal Decision: Dismissed



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## Appeal Decision

Site visit made on 29 August 2017

**by Robert Parker BSc (Hons) Dip TP MRTPI**

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

Decision date: 22 September 2017

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### **Appeal Ref: APP/D3315/W/17/3173329**

**Holbaines Meadow, Whiteball, Sampford Arundel, Wellington, Somerset  
TA21 0LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul J Sparks against the decision of Taunton Deane Borough Council.
  - The application Ref 32/16/0001, dated 1 May 2016, was refused by notice dated 30 September 2016.
  - The development proposed is new entrance/access.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this case is the effect of the proposal on highway safety along the A38.

## Reasons

3. The appeal site is roughly triangular in shape and fronts onto the A38 in rural surroundings a few kilometres to the west of Wellington. The land is currently accessed off the narrow lane which bounds the site to the north-west. This lane has a junction with the A38 approximately 100 m to the west.
4. The A38 at this point is sinuous and on a pronounced gradient. Vehicles traveling up the hill have two lanes, the nearside one being a climbing lane. Eastbound traffic has a single lane with double solid white lines to prohibit overtaking. The road was quiet at the time of my visit but traffic counts from 2015 indicate that this section of the A38 is busy, with an Annual Average Daily Traffic Flow of 7560 vehicles. Higher flows are experienced in the month of August and when there are incidents on the M5 motorway.
5. The proposed private access would be positioned on the north side of the A38, directly adjacent to the eastbound lane. It would be perpendicular to the main road and would be wide enough for two large vehicles to pass within the entrance. The gates into the site would be set approximately 12.5 m back from the carriageway edge, thus allowing a vehicle to pull off the highway whilst the gates are opened. The Council does not dispute that there would be adequate visibility for drivers exiting the access.



6. The principal concern of the Highway Authority is that the proposal would result in vehicles having to wait in the westbound overtaking lane on the A38, prior to making a right turn into the site entrance. It is contended that this would present a serious risk to highway safety as it would see a potential increase in rear end shunts and would also interrupt the through-flow of vehicles on the main road.
7. The appellant contends that a far more dangerous situation already exists at the staggered junction approximately 150 m further to the west when traffic needs to make an oblique right turn into the lane leading past the entrance to the appeal site. Here, the restricted lane width means that drivers on the A38 must wait for any vehicles to exit before making their manoeuvre, increasing the amount of time spent stationary in the overtaking lane. I am told that vehicles waiting to make a left turn into the lane also cause queuing on the main road.
8. I have further had my attention drawn to a number of other entrances onto the A38, mainly to residential driveways, where westbound drivers need to cross the solid white lines in order to access their properties.
9. The Highway Authority cites advice within the Design Manual for Roads and Bridges<sup>1</sup> which states that simple major/minor priority junctions shall not be used within climbing lane sections, since problems of safety may arise. The guidance here is aimed at highway design and not private accesses. However, it seems to me that the principles are still applicable. Situations of danger will arise where a driver pulls out from behind a slower moving vehicle and comes upon a stationary vehicle in the overtaking lane, potentially while moving at speed. I appreciate that the driver may identify the hazard well in advance, but this relies upon there being adequate forward visibility. Notwithstanding the visibility distances cited by the appellant, there is the realistic possibility of a driver's view being restricted by the bend in the road and a large vehicle in the climbing lane.
10. The fact that there have been no recorded collisions in respect of the nearby staggered junction does not necessarily mean that the proposed access would be safe. Neither am I persuaded that the proposal would be acceptable simply because it would be less heavily used. The appellant asserts that there is an extant permission for a wholesale nursery on the appeal site. If correct, this would create the potential for significant additional vehicle movements over and above those which occur to and from the site at present. More intensive use of the proposed access would increase the risk of traffic collisions.
11. I have taken into consideration the fact that the existing site access has substandard visibility. However, this does not justify the creation of another dangerous entrance onto a more heavily trafficked major road – even if vehicles accessing the appeal site are forced to continue using the staggered junction. Whilst I note the Highway Authority's intention to close the lane to vehicles at its junction with the A38, there is nothing in the evidence before me to indicate that the necessary stopping up order has been made. Given that this may subject to public consultation I can have no certainty that the process will be successful. As such, I have given limited weight to the argument that the geometry of the existing access will render it unusable after any closure takes place.
12. In any event, despite the significant levels difference between the lane and the appeal site, it has not been satisfactorily demonstrated that it would be impossible to modify the existing entrance onto the lane to accommodate



vehicles approaching from an easterly direction. Therefore I am not convinced that the appeal scheme is the only option open to the appellant.

13. I conclude that the proposal would be materially detrimental to highway safety, contrary to Policy DM1 of the Taunton Deane Core Strategy 2011-2028<sup>2</sup> and Paragraph 32 of the National Planning Policy Framework.

## **Other Matters**

14. The appellant has been involved in a long running boundary dispute with the Highway Authority. Whilst it is evident from the written submissions that this has created significant ill feeling, the matter is not relevant to my consideration of this appeal. I have determined the case on its substantive planning merits.
15. My attention has been drawn to planning applications for a new access and additional parking at Sheppy's Cider Farm. I do not know the full background to either case and therefore it is difficult to draw parallels. However, I saw during my visit that this section of the A38 is single carriageway with good forward visibility in both directions and no significant incline. As such, the circumstances are not directly comparable to the appeal proposal.
16. I note the appellant's comment that large goods vehicles would have to be unloaded on the highway in the event of the lane closure going ahead. The police and Highway Authority have the relevant powers to address any safety issues arising from such an outcome and therefore this factor does not lend any significant weight in favour of the appellant's case.

## **Conclusion**

17. For the reasons given above, and having had regard to all other points raised by the appellant in support of the proposal, I conclude that the appeal should be dismissed.

*Robert Parker*

INSPECTOR

