

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 28 February 2018 at 18:15.

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### **Agenda**

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 6 December 2017, 10 January 2018 (attached). 31 January 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 25/17/0026 Application for approval of reserved matters following outline approval 25/12/0032 for the erection of 227 No. dwellings, greenways, the western LEAP, landscaping, infrastructure, highways, parking and road access on land parcels H1, H1A, H2 and H3 at Langford Mead, Norton Fitzwarren
- 6 36/17/0028 Change of use of public house and curtilage to 1 No. residential dwelling at Rose and Crown Inn, Woodhill Road, Stoke St Gregory
- 7 Latest appeals and decisions received

Bruce Lang  
Assistant Chief Executive

01 May 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)



The meeting rooms at both the Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



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

**For further information about the meeting, please contact Democratic Services on 01823 219736 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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**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

## Planning Committee – 6 December 2017

Present: - Councillor Mrs Hill (Vice-Chairman) (in the Chair for this meeting)  
Councillors Adkins, Booth, Brown, Coles, Gage, Hall, C Hill, Morrell,  
Mrs Reed, Sully, Townsend, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principle  
Planning Officer), Martin Evans (Solicitor, Shape Partnership Services)  
and Tracey Meadows (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.25 pm)

### 74. Apologies/Substitutions

Apologies: Councillors Mrs J Adkins, Bowrah, Martin-Scott, Nicholls

Substitutions: Councillor Wren for Councillor Mrs J Adkins  
Councillor Hall for Councillor Bowrah  
Councillor Sully for Councillor Martin-Scott  
Councillor Booth for Councillor Nicholls

### 75. Declarations of Interest

Councillor Wren declared that he was the Parish Clerk to Milverton Parish Council. He also declared that there were two former work colleagues in the audience who were objecting to application No. 05/17/0047, he stated that he would not take part in the debate or the vote of this application. Councillor Coles declared that he knew a number of people in the audience, he declared that he had not spoken on any of the items on this committee. Area Planning Manager, Matthew Bale declared a Personal Interest in application 05/17/0047. He declared that he would leave the room whilst the application was presented and voted on.

### 76. Applications for Planning Permission

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

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

**05/17/0047**

**Change of use of land from agricultural with the erection of 1 No. residential dwelling with garaging and associated works on land at Parsonage Farm, Bishop's Hull**

- (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 2471-PL-01 Site & Location Plan;
  - (A3) DrNo 2471-PL-02 Rev C Block Plan;
  - (A3) DrNo 2471-PL-03 Indicative Section Views;
  - (A3) DrNo 2471-PL-04 Floor Plan;
  - (A3) DrNo 2471-PL-05 Elevations;
- (c) No wall construction, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (d) No roof construction shall take place until samples of the roof materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above;
- (e) (i) The landscaping/planting scheme shown on the submitted plan 2471-PL-02C shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) The development hereby permitted shall be implemented in accordance with the mitigation in the wildlife report and approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The mitigation shall thereafter be maintained;
- (g) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes B and E

of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered should not be disturbed. It should be noted that the protection afforded to species under UK and UK legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; in light of evidence of neighbours you are advised to ensure that there are up to date surveys to ensure there is no harm to slow worms or any newts which may inhabit nearby ponds. Harm to protected species is a criminal offence and you should ensure that appropriate steps are taken to ensure there is no harm.)

**10/17/0015**

**Erection of extensions to free range poultry shed with associated works and formation of access at Higher Willand Farm, Churchstanton**

(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 PA-001 Rev A Site Location Plan;
- (A3) DrNo PA-002 Rev A Block Plan - Landscaping & Planting Scheme;
- (A3) DrNo PA-100 Rev A Elevations 1;
- (A3) DrNo PA-101 Rev A Elevations 2;
- (A3) DrNo PA-200 Rev A Floor Plan;
- (A3) DrNo PA-201 Rev A Roof Plan;
- (A3) DrNo PA-300 Rev A Site Sections;
- (A3) DrNo PA-400 Rev A Indicative Perspective;
- (A3) DrNo PA-500 Rev A Proposed Entrance From Existing Farm Access Way;

(c) There shall be no external lighting of the site without the prior written consent of the Local Planning Authority;

(d) (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;

- (e) There shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access.

Such visibility shall be fully provided before the new access is brought into use and shall thereafter be maintained at all times in the approved form;

- (f) Before the proposal hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times;
- (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before works commence on site and thereafter maintained at all times;
- (h) Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 12 metres from the carriageway edge and shall thereafter be maintained in that condition at all times;
- (i) The development hereby permitted shall not be commenced until details of a wildlife enhancement scheme to enhance the site for bats has been submitted to, and approved in writing by, the Local Planning Authority. Once approved the works shall be implemented in accordance with the approved details and timings of works unless otherwise approved in writing by the Local Planning Authority and thereafter permanently maintained;
- (j) Prior to the building hereby permitted being brought into use, a scheme for the disposal of foul water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the containment and disposal of contaminated water arising from cleaning out processes. The approved scheme shall be fully implemented prior to the building hereby permitted being brought into use and shall thereafter be maintained as such;

(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 has negotiated amendments to the application to enable the grant of planning permission.)

**14/17/0020**

**Erection of 11 No. light industrial units (2 No. buildings) for Class B1/B8 usage on land at Walford Cross Depot, Walford Cross**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) DrNo 5046\_PL\_01A Location Plan;
  - (A1) DrNo 5046\_PL\_02B Proposed Site Plans UNITS 1-10 & 11;
  - (A1) DrNo 5046\_PL\_03 Proposed Plans & Elevations UNIT 11;
  - (A1) DrNo 5046\_PL\_04 Proposed Plans & Elevations UNIT 1-10;
- (c) There shall be no exterior storage around the building 11 other than specified in areas on plan 5046\_PL\_02B and only parking in the locations indicated on plan 5046\_PL\_02B;
- (d) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

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

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.



If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

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

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

f) Long Term Monitoring and Maintenance

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

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

(e) Noise emissions from any part of the unit 11 premises or land to which this permission refers, when measured at the point X marked on the attached plan (which is level with the façade of the nearby residential properties) shall not exceed background levels by: more than 3 decibels expressed in terms of an A-Weighted, 1hour Leq, at any time between the hours of 07:00 – 19:00; more than 0 decibels expressed in terms of an A-Weighted, 15minute Leq, at any time between the hours of 19:00 and 07:00 the following day;

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time for a period of 1 hour for measurements between 07:00 -19:00 and a period of 15 minutes between 19:00 and 07:00 the following day;

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above;

(f) The car parking shown on drawing No.5046\_PL\_02B shall be provided prior to the units being brought into use and shall thereafter be retained for the use of the approved units;

- (g) Prior to the development being brought into use, a Measures Only Travel Plan is to be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel. The measures should continue to be implemented as long as any part of the development is occupied;
- (h) Prior to the construction of any buildings on the site, a scheme for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented prior to the buildings hereby permitted being brought into use and shall thereafter be maintained as such;
- (i) No lighting shall be installed at unit 11 within the area included in the part of drawing number 5046\_PL\_02 titled 'Site Layout – Unit 11';

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

**26/17/0007**

**Erection of 1.8m high fence and replanting of native hedgerow along 55m of grass verge adjacent to 16 Farthings Close, Nynehead Hollow, Nynehead (retention of works already undertaken)**

- (a) The development hereby permitted must be carried out in accordance with the application and accompanying plan(s) submitted to the Council and is only valid subject to compliance with the following conditions;
- (b) Unless within 3 months of the date of this decision a landscaping scheme which shall include details of the species, siting and numbers to be planted, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 9 months of the local planning authority's approval, the use of the site the fencing hereby permitted shall be removed from the site until such time as a scheme is approved and implemented; If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the fencing hereby permitted shall be removed from the site until such time as a scheme approved by the local planning authority is implemented;

Upon implementation of the approved landscaping scheme specified in this condition, the planting shall be protected and maintained in a healthy weed free condition and any plants that cease to grow shall be replaced by plants of similar size and species, or any other appropriate planting as may be approved in writing by the Local Planning Authority;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had

worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

**77.** Appeals noted

(The meeting ended at 9.05 pm)

## Planning Committee – 10 January 2017

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Mrs Adkins, M Adkins, Cavill, Coles, C Hill, Martin-Scott,  
Mrs Reed, Mrs Smith, Sully, Watson and Wedderkopp

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principle  
Planning Officer), Martin Evans (Solicitor, Shape Partnership Services)  
and Tracey Meadows (Democratic Services Officer)

Also present: Councillor Gunner in connection with application No. 53/17/0005.  
Councillor Berry and Mrs A Elder, Chairman of the Standards Advisory  
Committee.

(The meeting commenced at 6.15 pm)

### 1. Apologies/Substitutions

Apologies: Councillors Brown, Nicholls and Townsend

Substitutions: Councillor Cavill for Councillor Townsend  
Councillor Sully for Councillor Brown  
Councillor Mrs Smith for Councillor Nicholls

### 2. Declarations of Interest

All Councillors declared that they had received an email from the Agent for application No. 53/17/0005. Councillor Coles declared a personal interest as a Member of Somerset County Council and a Member of Devon and Somerset Fire and Rescue Service. Councillors Mrs Adkins and M Adkins declared that they had spoken to the Church Warden on application No. 49/17/0021, they declared that they had not 'fettered their discretion'.

### 3. 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 refused** for the under-mentioned developments:-

#### **53/17/0005**

**Outline planning application with all matters reserved, except for means of access, for a residential development of up to 8. No dwellings with**

**associated access, landscaping and infrastructure works on land to the south of Dene Road, Cotford St Luke**

**Reasons**

- (a) The application site forms a significant gateway site into Cotford St Luke. The character and appearance of the site and immediate environs are striking; a strong urban form to the north of Dene Road and open, park-like village green to the south. The proposed development, which intrudes into the land to the south of Dene road, would result in substantial harm to the landscape character and appearance of the site and surroundings in an area sensitive to intrusion by new development, contrary to Policy DM1 of the Taunton Deane Core Strategy. Due to the substantial harm, and its lack of substantial environmental benefits, the proposal would bring economic and social benefits, primarily in relation to housing, the proposed development would not, in overall terms, constitute sustainable development.
- (b) The application proposals do not include a contribution towards provision of public open space or affordable housing. The development is therefore contrary to policy C2 of the SADMP and policy CP4 of the Core Strategy.

(2) That the following application **be deferred** for the reason stated:-

**49/17/0021**

**Formation of ramped access to north porch, alterations to entrance driveway and insertion of glazing to upper panels of the west and north porch doors at St Andrews Church, Church Street, Wiveliscombe**

**Reason** – The application should be deferred to allow further discussion and submission of alternative drawings for the path that acknowledges the cobbles, with an element of the cobbles retained.

**4. Appeals**

Reported that one decision had been received details of which were submitted.

(The meeting ended at 8.02 pm)

ST MODWEN HOMES

**Application for approval of reserved matters following outline approval 25/12/0032 for the erection of 227 No. dwellings, greenways, the western LEAP, landscaping, infrastructure, highways, parking and road access on land parcels H1, H1A, H2 and H3 at Langford Mead, Norton Fitzwarren**

Location: TAUNTON TRADING ESTATE, WIVELISCOMBE ROAD, NORTON  
FITZWARREN, TAUNTON, TA2 6RX

Grid Reference: 320140.125824 Reserved Matters

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

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

- (A1) DrNo 1730-P3-03 Rev F On Plot Planting Plan Sheet 1 of 2
- (A1) DrNo 1730-P3-04 Rev F On Plot Planting Plan Sheet 2 of 2
- (A1) DrNo 1730-L-05 Rev F LEAP
- (A1) DrNo 1730-P3-02 Rev F Green Infrastructure Plan
- (A1) DrNo 1730-P3-01 Rev F General Arrangement Plan
- (A3) DrNo 1730-A-04 Tree Protection Plan
- (A3) DrNo 35 Rev C Floor Plans & Elevations
- (A1) DrNo 32-1 Rev A Screen Wall & Fencing Details
- (A3) DrNo 31-1 Bin & Cycle Store Details Elevations & Floor Plans
- (A3) DrNo 31-2 Bin & Cycle Store Details Sheet 2 Elevations & Floor Plans
- (A3) DrNo 31-3 Bin & Cycle Store Details Sheet 3 Elevations & Floor Plans
- (A3) DrNo 31-4 Bin & Cycle Store Details Elevations & Floor Plans
- (A3) DrNo 30-2 Garage Floor Plans & Elevations Sheet 2
- (A3) DrNo 30 Garage and Floor Plans & Elevations Sheet 1 (Sales Complex)
- (A0) DrNo 29 Rev D Material Layout
- (A0) DrNo 28 Rev E Boundary Treatment
- (A1) DrNo 27 Illustrated Perspectives
- (A3) DrNo 26-01 Rev A Street Scenes
- (A3) DrNo 26-02 Rev A Street Scenes
- (A3) DrNo 25 Rev A House Type H4B1273 Floor Plans & Elevations
- (A3) DrNo 24 Rev B Location Plan
- (A3) DrNo 22-3 Rev B House Type H4B1348 V3 Elevations & Floor Plans
- (A3) DrNo 22-2 Rev B House Type H4B1348 V2 Elevations
- (A3) DrNo 22-1 Rev B House Type H4B1348V1 Floor Plans
- (A3) DrNo 21-2 House Type H4B1209 V2 Floor Plans & Elevations
- (A3) DrNo 21-1 Rev B House Type H4B1209 V1 Floor Plans & Elevations
- (A3) DrNo 20-2 Rev B House Type H4B1203V2 Floor Plans & Elevations
- (A3) DrNo 20-1 Rev B House Type H4B1203V1 Floor Plans & Elevations

- (A3) DrNo 19 Rev A House Type H4B1149 Floor Plans & Elevations
- (A3) DrNo 18 Rev A House Type H4B1044 Floor Plans & Elevations
- (A3) DrNo 17-4 House Type H3B1002V4 Floor Plans & Elevations
- (A3) DrNo 17-3 House Type H3B1002V3 Floor Plans & Elevations
- (A3) DrNo 17-2 Rev B House Type H3B1002V2 Floor Plans & Elevations
- (A3) DrNo 17-1 Rev B House Type H3B1002V1 Floor Plans & Elevations
- (A3) DrNo 16-2 House Type H3B965 V2 Floor Plans & Elevations
- (A3) DrNo 16-1 Rev B House Type H3B965 V1 Floor Plans & Elevations
- (A3) DrNo 15 Rev B House Type H3B920 Floor Plans & Elevations
- (A3) DrNo 14 Rev B House Type H3B904 Floor Plans & Elevations
- (A3) DrNo 13-2 House Type H3B947 V2 Floor Plans & Elevations
- (A3) DrNo 13-1 Rev B House Type H3B947 V1 Floor Plans & Elevations
- (A3) DrNo 12 Rev B House Type H2B835 Floor Plans & Elevations
- (A3) DrNo 11-3 House Type H3B791 V3 Floor Plans & Elevations
- (A3) DrNo 11-2 House Type H3B791 V2 Floor Plans & Elevations
- (A3) DrNo 11-1 Rev B House Type H3B791 V1 Floor Plans & Elevations
- (A3) DrNo 10-3 House Type H2B753 V3 Floor Plans & Elevations
- (A3) DrNo 10-2 Rev A House Type H2B753 V2 Floor Plans & Elevations
- (A3) DrNo 10-01 Rev B House Type H2B753 V1 Floor Plans & Elevations
- (A3) DrNo 09-2 House Type H2B637 V 2 Floor Plans & Elevations
- (A3) DrNo 09-01 Rev B House Type H2B637 V1 Floor Plans & Elevations
- (A1) DrNo 08-2 Rev B H2B660, 664 & 680 Elevations
- (A1) DrNo 08-1 Rev B H2B660, 664 & 680 Floor Plans
- (A3) DrNo 07-2 Rev B House Type H1B550 Elevations
- (A3) DrNo 07-1 Rev B House Type H1B550 Floor Plans
- (A3) DrNo 06-2 Rev A House Type H1B539 & 605V2 Floor Plans & Elevations
- (A3) DrNo 06-1 Rev B House Type H1B539 & 605V1 Floor Plans & Elevations
- (A3) DrNo 05 Rev B House Type H1B538 & 615 Floor Plans & Elevations
- (A0) DrNo 03 Rev M Planning Layout
- (A0) DrNo 03-1 Rev L Coloured Planning Layout
- (A0) DrNo 17121/8 Rev B Refuse Vehicle Tracking
- (A0) DrNo 17121/3 Rev A Kerbing & Surfacing Plan
- (A3) DrNo 17121/1 Rev C Drainage & Levels Strategy
  
- (A0) DrNo 03 Rev M Planning Layout
- (A0) DrNo 03-1 Rev L Coloured Planning Layout
- (A0) DrNo 28 Rev E Boundary Treatment

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

2. Prior to the occupation of plots 30-40, the footpath/cycleway to Great Western Way shall be provided and made available to the public and shall thereafter be maintained as such.

Reason: In the interests of ensuring good permeability through the development.

3. The Locally Equipped Area for Play shall be laid out in accordance with the details shown on drawing 1730-L-05 rev F and shall be implemented and made available for use to the public prior to the occupation of the 150<sup>th</sup>



dwelling hereby permitted and shall thereafter be maintained as such, remaining permanently available and open to the general public.

Reason: To ensure that appropriate play facilities are provided for the residents of the development.

4. (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 occupation of the 100th dwelling hereby permitted.

(ii) For a period of five years after the completion of the development, 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.

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

5. Prior to their installation, full details of the proposed 'green screens' shall be submitted to and approved in writing by the Local Planning Authority. All private boundary treatments for the dwellings hereby approved shall be implemented in accordance with the details shown on the drawings hereby approved prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such. The green screens shall be maintained in accordance with condition 4 (ii) as part of the landscaping scheme.

Reason: In the interests of the character and appearance of the area.

6. The external materials specified on drawing 29 Rev D shall be used in carrying out the development hereby approved and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building/area.

Notes to Applicant

## **Proposal**

This application seeks reserved matters approval for the final phase of development at Langford Mead – being the former Taunton Trading Estate. The application proposes 227 dwellings, completion of the east-west 'greenway' footpath/cycle link and associated landscaping.

The dwellings are mainly 2 storey, with some 2.5 and 3 storey. There are also some

3 storey blocks of flats within the scheme. Access would be from the B3227 to the north and Great Western Way to the south.

## Site Description

The site is relatively flat, sloping down gently from northeast to southwest. There is a low hedge to Great Western Way and a chainlink fence to the B3227. At the eastern end of the northern boundary, the land is raised up from the B3227 and there is a strong tree boundary along this part of the site, albeit that there are clear views under the lower branches of these tall trees. At its western extent, the site adjoins Beaford Park caravan site.

## Relevant Planning History

Outline planning permission was initially granted in 2007 for the mixed use re-development of the Taunton Trading Estate and the first phase of reserved matters at the eastern end of the site was delivered. Subsequently, the outline planning permission was renewed and two subsequent phases of reserved matters were approved. They have largely been built out.

## Consultation Responses

*NORTON FITZWARREN PARISH COUNCIL* – Comment as follows:

the Parish Council have the following comments to make:

1. The road layout seems to indicate that drivers can access the B3227 from Great Western Way and vice versa, would this not create a 'rat run'?
2. The road layout would also increase the traffic onto the B3227 by 200+ vehicles, we request that all access from the estate should be via Great Western Way.
3. There is insufficient parking on the estate, vehicles will, as on other new estates be forced to park on the road. There must be sufficient room for emergency vehicles to pass. The Police have raised concerns about this on the old cider site.
4. The position of the play area is not good and there is no provision for the over 12's.

The Parish Council subsequently commented that they would like to request that all contractors and delivery lorries should use Great Western Way during the building of this development and not the B3227 which is already busy and congested at peak times.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Initially raised concerns that the estate road linked the B3227 and Great Western Way. Concern was raised that an updated transport assessment was required to address this concern and a right turn lane may be required on the B3227.

Subsequently, amended plans have been received and the estate road has been closed to through traffic. On this basis, the Highway Authority have now commented that:

“The removal of any ‘cut-through’ does mean that the TA does not need to be re-visited to ensure any through traffic is considered, and I would agree that a right turn lane is not now essential for this northern access. I assume, however, that the existing right turn lane will be retained at the southern access.

My estate roads colleagues have reviewed this further revision, and comment as follows:

- *I would like to see an adoptable 1.0m wide hardened margin provided around the end of the turning head outside plot 135.*
- *Can the applicant please test the swept path for a private car when emerging from the visitors parking bay adjacent to the parking bay serving plot 134 and the private drive serving plot 135. Has sufficient space been made available for vehicles to reverse out of these areas?*
- *An adoptable 20.0m forward visibility splay will be required across the 90 degree bend of the footpath/cyclepath adjacent to plot 55.*

From an initial review of the plans it would appear that these three issues can be dealt with during the technical approval stage of any S38 application, providing the applicant is comfortable that they can address the concerns within the layout proposed”.

*STAPLEGROVE PARISH COUNCIL* – No comments to make.

*LANDSCAPE* – The proposed landscaping is generally satisfactory but I would like to see additional trees planted within the central landscape strip. Full details of shrub planting as well as tree planting are required.

*LEAD LOCAL FLOOD AUTHORITY* – The applicant is proposing to utilise on site attenuation with controlled discharge to the existing storm water sewer. The surface water drainage strategy meets with the strategy agreed within the outline approval reference 25/12/0032.

The LLFA has no objections to this application as submitted.

*LEISURE DEVELOPMENT* – With reference to the proposed LEAP, in order to prevent similarity of the play areas already constructed on phase 1, we would prefer for the proposed Vivarea Multiplay Unit J3338A, one of which is already within phase 1, to be replaced by the same manufacturer’s piece ref J3845 from the Diablo Range. This should ensure a wider play experience for the users.

Safety surfacing should be grass matt instead of the proposed rubber mulch.

There would also appear to not be a great deal of room between the pieces of equipment and would request they are spread out more. A further drawing showing details of amendments should be submitted to Open Spaces for approval.

*BT OPENREACH* - We have no objections to the above development but would observe there is a significant amount of BT plant including duct, cable and fibre optic services in the wide verge area that will be crossed by the proposed site access onto the B3227. We will deal with any measures necessary to protect and/or divert these in due course upon receipt of the appropriate notice from the developer.

*POLICE ARCHITECTURAL LIAISON OFFICER* – Comments as follows:

**Crime Statistics** – reported crime for the area of this application (within 500 metre radius of the grid reference) during the period 01/11/2016-31/10/2017 is as follows:-

**Burglary** - 4 Offences (comprising. 3 dwelling burglaries & 1 Business & Community burglary)

**Criminal Damage** – 8 Offences (incl. 5 criminal damage to vehicles)

**Drug Offences** – 1

**Other Offences** – 5

**Sexual Offences** - 4

**Theft & Handling Stolen Goods** - 16 Offences (incl. 1 aggravated vehicle taking, 2 interference with motor vehicles & 3 theft from motor vehicles)

**Violence Against the Person** – 56 offences (incl.3 malicious wounding, 5 assault ABH, 13 common assault & battery & 15 causing harassment, alarm, distress or threatening behaviour)

**Total - 94 Offences**

This averages approx. 8 offences per month, 2 per week, which is a low level of reported crime.

ASB reports for the same period and area total 10, which is also a low level.

**Layout of Roads & Footpaths** – vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street and public spaces. The design of the proposed 3 metre footpath/cycleway accords with police advice. In addition, the proposed use of physical or psychological features i.e. the road surface changes by colour or texture at various locations within the development helps reinforce defensible space giving the impression that the area is private and deterring unauthorised access. The vehicular link between Great Western Way and the B3227 increases the permeability of the development, which can be a disadvantage from a crime prevention perspective, in that it can assist the search and escape patterns of the potential criminal. However, the route is well overlooked by nearby dwellings which accords with the below comment.

**Communal Areas** – have the potential to generate crime, the fear of crime and antisocial behaviour and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Ideally, the proposed LEAP/POS should be more centrally located with good all round surveillance. However, the current location appears to be overlooked by 5 dwellings (plus

additional gable ends) on three sides which may prove sufficient. It is separated from the footpath and road in Great Western Way by a hedge, which is also advisable, on personal safety grounds. The proposed Green Way running through the centre of the development appears to be well overlooked by dwellings on both sides.

**Orientation of Dwellings** – all the dwellings appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. A large proportion of dwellings are also 'back to back', which is also recommended, as this restricts unauthorised access to the rear of dwellings where the majority of burglaries occur.

**Dwelling Boundaries** – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. Vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as the adjacent fencing and lockable. The Coloured Planning Layout drawing indicates that the above recommendations will be incorporated into the development.

**Car Parking** – a large proportion of the dwellings appear to incorporate in curtilage garages and hard standings, which complies with police advice. The majority of the communal on-street parking spaces appear to be in small groups, close to and overlooked by owner's homes, which is also recommended.

**Landscaping/Planting** – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. From the Landscape Plan, this also appears to be proposed and is particularly relevant in respect of the LEAP and Green Way.

**Street Lighting** – all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.

**Physical Security of Dwellings** – in order to comply with **Approved Document Q: Security - Dwellings** of building regulations, all easily accessible doorsets, windows and rooflights providing a means of access into a dwelling must be tested to PAS 24:2016 security standard or equivalent.

**Secured by Design** - the applicant is encouraged to refer to the 'SBD Homes 2016' design guide available on the police approved Secured by Design website – [www.securedbydesign.com](http://www.securedbydesign.com) – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

**WESTERN POWER DISTRIBUTION** – There is essential WPD equipment across

the proposed development. Providing the developer is willing to pay for the necessary diversionary works, WPD have no other observations.

*WESSEX WATER* - The approach is as anticipated and fits with the drainage strategy agreed at outline stage. Any sewer adoption will be subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should submit details to the local Wessex Water development engineer for S104 technical review and approval prior to construction.

Points of surface water discharge, flow rates and flood risk measures to meet strategy and should comply with LLFA requirements.

*NATURAL ENGLAND* – No comments to make.

*BIODIVERSITY* – An Ecological Impact Assessment dated October 2017 has been carried out to address the wildlife condition (9) of application 25/12/0032. I support the recommendations and the proposed enhancements.

*HOUSING ENABLING* – I can confirm agreement to the attached proposed affordable housing scheme. I note it includes 2 x shared ownership adapted bungalows so providing the values remain affordable in terms of meeting shared ownership affordability criteria these are accepted.

#### **Revised comments on amended scheme:**

The revised scheme, as set out on the Layout Plan AAH5341\_03-1 Rev M is considered to provide an appropriate mix and tenure to meet local demand. The scheme incorporates 2 bungalows, which should be fully adapted disabled units (in accordance with Part M4, Category 3: Wheelchair user dwellings of the Building Regulations 2010).

It is noted that these bungalows are proposed as shared ownership rather than social rent tenure. It is essential to ensure that these shared ownership bungalows remain affordable and provided these properties meet shared ownership affordability criteria, this is considered acceptable.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

## **Representations Received**

9 letters of **objection/comment** raising the following points:

- Views of the trees would be obscured by Plots 128 & 129.
- The road creates a through route between the B3227 and Great Western Way. This seems odd as it was not allowed in earlier phases or at other

- sites. It will create a rat-run.
- The footpath/cycleway has no connection to Great Western Way or the B3227. It stops in the middle of the site.
  - There is no easy route out of the western end of the estate for pedestrians/cyclists.
  - The cycle path on the Great Western Way cedes priority to the side road, disincentivising use of the cycle path.
  - There is poor consideration to the current residents of Langford mead.
  - Blocks of flats are poorly positioned and will make public spaces unattractive.
- 
- Social housing is placed on the boundaries and will impact on the saleability of the current properties.
  - Further education and medical facilities are required.
  - The vehicular entrance from the B3227 is close to the pedestrian crossing and may cause a safety risk.
  - The proposed play area seems rather small.
  - Broadband needs to be improved before any development commences.
  - There should be a crossing on the A358 between Langford Mead and Cross Keys.
  - Request rear access is provided to Burnshill terrace.
  - The greenway would be broken by the through route – the only punctuation in the whole development (save the bus gate road).
  - The LEAP is poorly located.
  - The layout could be more imaginative; 3 storey dwellings are questionably located.
  - The originally proposed nature strip against Beaford Park should be reinstated.
  - Dwellings could reduce privacy at Beaford Park.

## **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,  
 CP4 - Housing,  
 CP6 - Transport and accessibility,  
 CP8 - Environment,  
 D10 - Dwelling sizes,  
 D7 - Design quality,

## **Local finance considerations**

None relevant to this reserved matters application.

## **Determining issues and considerations**

The principle of the development has been established through the grant of the outline planning permission and cannot be revisited as a consequence of this proposal. The main issues, therefore, relate to the reserved matters: Access, layout, scale, appearance, and landscaping and the impacts arising from these matters – being highways, general design and impact on the character and appearance of the area.

Amendments have been received during the consideration of the application that have addressed the housing enabling officer's concern and the proposal is now considered to provide an appropriate mix of affordable housing.

### **Highways**

Access is a reserved matter, although a clear indication was given in the masterplan/development framework approved at outline stage that the development would be accessed from both the B3227 and Great Western Way. That masterplan also showed a through-route through the development site linking these two junctions for access purposes.

Following concern raised by the Highway Authority, the proposal has been amended to close this through route at the point that it would have crossed the greenway cycle/pedestrian link. Not only does this prevent the 'rat running' that concerns the Parish Council and others, but provides the added benefit that the greenway would be uninterrupted to cyclists for the entire length of the development site, save for where it crosses the bus-only access at the far eastern end of the development.

The Highway Authority now consider that the proposal is acceptable, both in terms of the access to the site and the internal site layout. The potential for 'rat running' through the site, between the two main roads, has been removed and this means that the impact on the wider highway network does not need re-examining as part of this reserved matters application. Remaining matters of detailed design can be picked up through the technical approval process as part of the adoption of the roads.

The Parish Council have commented that all construction traffic should be from Great Western Way. However, it is considered that this causes practical difficulties given the amended layout that seeks to close the through route between Great Western Way and the B3227. It is considered that this, and the delivery of an uninterrupted greenway through the site are long term benefits and carry greater weight than resolving any short term inconvenience that may arise during building works. It is, therefore, considered that such a condition should not be imposed.



## **Design, character and appearance**

The development is considered to be well designed – where possible, it employs a strong perimeter block approach to the layout; the architecture is modern without being overly bold and will deploy materials respectful of the local vernacular. During consideration of the application, amendments have been received which reduce the visual domination of the highway, increasing the amount of shared surface and allowing the dwellings to better form the spaces in which they sit. Where private boundaries are exposed, they will be built from brick or supplemented with appropriate landscaping.

A number of the dwellings do not comply with the minimum space standards set out in Policy D10 of the SADMP. In this case, the original site design work was carried out in the early 2000's and rolled forward into a second outline planning permission in 2012, when there was no space standards policy. Given the age of the outline planning permission, it is considered reasonable to accept detailed plans that accord with the parameters prevailing at that time: to do otherwise would reduce the housing yield of the site and may have knock-on implications in terms of the site layout or affordable housing mix. Given that the proposal is acceptable in terms of its detailed design and mix of housing, it is considered that the proposed dwellings are acceptable.

The development will provide a LEAP. Whilst the Parish Council comments are noted, this parcel of development was not intended to provide play facilities for older children as there is a larger play area at the eastern end of the site. Whilst the play area is not centrally positioned within the parcel, discussions prior to the submission of the application led your officers to conclude that locating it here was the best option: it allowed greater flexibility over the internal housing layout, ultimately providing a strong urban design and better sense of place and also allowed an existing mature tree to be located within the open space rather than in rear gardens or close to houses.

Since submission of the application, the dwellings closest to Beaford Park caravan site have been moved further off the boundary and have been reduced slightly in floor level. The relationship with these, and other neighbouring properties, is now considered to be acceptable.

Significant mature trees will be retained within the development and new landscaping will supplement this. The proposal will not be at odds with the character and appearance of the area.

## **Conclusion**

The application proposes an acceptable reserved matters solution that will deliver a good urban environment that sits comfortably within the surrounding area. The proposal is considered to be acceptable and is, therefore, 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 M Bale**

36/17/0028

ROSE AND CROWN INN

**Change of use of public house and curtilage to 1 No. residential dwelling at Rose and Crown Inn, Woodhill Road, Stoke St Gregory**

Location: ROSE AND CROWN INN, WOODHILL ROAD, STOKE ST  
GREGORY, TAUNTON, TA3 6EW

Grid Reference: 335414.127283 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) Floor plans  
(A4) Site location plan  
(A4) First floor plans  
(A4) Block plan

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

3. The development hereby approved shall not be occupied or the use commenced until space has been laid out within the site for the parking and turning of vehicles, and such the areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development. The parking area shall be of sufficient size to accommodate three cars.

Reason: To ensure that there is adequate space within the site for the parking and turning of vehicles clear of the highway, in the interests of highway safety.

## Notes to Applicant

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

## Proposal

The application proposes the change of use of the public house, The Rose and Crown, (Class A4), to a single dwelling (Class C3). The existing terraces and car park would become the garden and car parking for the occupiers of the dwelling.

## Site Description

The site lies in the hamlet of Woodhill, near the village of Stoke St Gregory. There are residential properties to the east and south with open agricultural land to the west.

## Relevant Planning History

36/08/0009 - Reconstruction and extension to pub - Approved - 20 October 2008

## Consultation Responses

*STOKE ST GREGORY PARISH COUNCIL* - We are unable to support the application on grounds that the planning statement is significantly flawed and there are factual inaccuracies.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing advice applies

*PLANNING POLICY* - No comments received

*WESSEX WATER* - No comments received

## Representations Received

*WARD CLLR STONE* - I object to the proposed change of use and the loss of the public house which has been a popular venue for people to visit from a very wide area for decades. While the pub appears to have lost a lot of its trade recently it's reputation is such that it seems likely that it could be revived as a viable business with new owners or a different approach from existing owners. The planning statement appears to be inaccurate in a number of ways which suggest that the business is less viable than it actually is. While the Rose and Crown is not the only pub in Stoke there is only one other and this is also for sale and there is a distinct possibility that this one could also close in the foreseeable future. This possibility should be taken into consideration when this application is considered.

Twenty two submissions have been received objecting to the proposal on some or all of the following grounds:

- loss of an essential local facility
- loss of local employment opportunities

- the proposal is contrary to policy
- a number of inaccuracies in the report
- the business is well loved and extensively used by residents and visitors
- it is possible to build a healthy and viable business
- supports the local economy

One response refers to inaccuracies in the applicants report regarding a meeting of two parish councillors with two owners of businesses and that the meeting was not a parish council meeting.

Two representations received following the re-consultation exercise stating there were no changes in the situation.

## **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,  
 CP2 - Economy,  
 CP3 - Town centre and other uses,  
 C4 - Protection of community facilities,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of a dwelling is CIL liable.  
 Proposed dwelling measures approx. 350sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £43,750.00. With index linking this increases to approximately £53,000.00.

## **Determining issues and considerations**

The main issues here are the policy considerations and Policies CP3 and DM2 of the Core Strategy and C4 of the Site Allocations and Development Management Plan are of particular relevance.

Policy CP3 relates to Town and other Centres and states at a. iv. Within the rural areas proposals for new rural services including shops, public houses, Post Offices and surgeries will be permitted within the defined settlement limits. Proposals which would result in the loss of such services will not be permitted where this would damage the vitality and viability of a settlement or increase car travel by local residents unless it can be independently proven to be unviable for re-use for local service provision.

The applicant has indicated the pub has been with two agents, including a national specialist, and has submitted evidence of a marketing strategy which commenced in 2014 and has been continuously marketed since November 2016. Advertising has been carried out on the internet and in national trade press. It was not considered appropriate to place a For Sale board on the property. A number of people have viewed the property on line, with two viewings. No offers have been received. The property has been reduced from £425,000 to £395,000. Details of the marketing documents have been submitted with the application.

Whilst submissions would indicate there is still a local need for the facility, information submitted with the application would indicate that the pub is no longer financially viable with turnover in 2016 being half that of 2012.

It is considered that the applicant has shown that the current use is not viable in the long term and has advertised the premises for in excess of the 12 months required with no success. The building is not in the settlement limits of the village and consequently it is not considered that the loss of this facility would damage the vitality/viability of the village given that there is a public house within the village boundary. The loss of the pub here consequently would not result in an increase in car travel by locals.

Policy C4 of the Site Allocations and Development Management Plan seeks to prevent the loss or change of use of existing community, cultural and social facilities. A public house is considered to constitute a community facility. The submitted report indicates that the use of the pub has significantly reduced to a point where it is unviable and there are no facilities beyond the food and drink use. In addition it is claimed that there is not a need and there is no similar community use that it could be put to.

Policy DM2 of the Core Strategy also seeks to support conversion of existing buildings to alternative uses and sets out a sequential approach to alternatives. The sequential test to be followed gives the following order of priority:

- i. Community use;*
- ii. Class B business use;*
- iii. Other employment generating uses;*
- iv. Holiday and tourism;*
- v. Affordable, farm or forestry dwellings;*
- vi. Community housing;*
- vii. In exceptional circumstances, conversion to other residential use.*

Alternative community facilities are located within the village of Stoke St Gregory, including a village store and a pub, two churches and a licensed hall. These amenities cater for the village and no other identified need has been established in this location. B class business uses and other employment generating uses have been looked at and it is claimed the nature of the building and site mean it is not easily adaptable to business use, particularly given the car park and limited parking.

The building could be used as a single holiday let, however there are often amenity issues with lets of this size and the lack of garden space and proximity to the road may affect potential rental value and occupancy rates. The agent claims that the letting rate is likely to be below the national average in this location and unlike other lets of this size the property is not sub-dividable, so could not be let to smaller groups. It is claimed that even if the national average occupancy rate of 21.5 weeks were achieved this would not cover the running costs and business rates.

A Housing Needs Survey carried out in 2016 indicated there was no additional need for affordable housing within the Parish given existing housing options. The building as it stands would not be likely to meet an affordable need and subdivision would be unsuitable and not provide satisfactory smaller units. Consequently the residential option of DM2.7.b.vii is considered acceptable.

The applicant's agent has responded to the allegations of inaccuracies in the planning report and the Parish Council and local residents have been given a further opportunity to comment on the additional information.

Confirmation has been received from the Council's Economic Development team that the Rose and Crown is not included on the Council's list as an Asset of Community Value.

There is an existing access and car parking area to the south of the pub. It is considered that the continued use of this area for access and parking for one dwelling would be of less intensity than the current use and would therefore be acceptable. Given the size of the proposed dwelling it would be appropriate to provide three off-street parking spaces plus turning facilities within the site in accordance with the Highways Authority requirements.

The proposal for the change of use of the building addresses the relevant policies. The marketing of the pub use has been complied with and the viability reports shows a loss of trade and a recent trading loss and as there are alternative facilities within the village it is regretful that 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**

**APPEALS RECEIVED – 28 February 2018**

**Site: SEAFIELD, WEST BUCKLAND, WELLINGTON, SOMERSET, TA21 9LW**

**Proposal:** Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations at Seafield, West Buckland

**Application number:** 30/17/0024CQ

**Appeal reference:** APP/D3315/W/17/3186810

**Start Date:** 25 January 2018

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Site: BARNOAKS, WORTHY LANE, CREECH ST MICHAEL, TAUNTON, TA3 5EF

Proposal: Demolition of garage and erection of 1 No. bungalow with associated works in the garden to the rear of Barnoaks, Worthy Lane, Creech St Michael

Application number: 14/16/0052

Reasons for refusal: The site lies in an open countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves an appropriate need, such as the need for affordable homes. Whilst the site adjoins the settlement limit, it is not considered that there are no other suitable sites within the rural centre itself, or that the need cannot be met by the affordable homes currently under construction within the village, or other affordable dwellings soon to be constructed in the adjacent Parish. The scheme therefore represents an unjustified dwelling outside of settlement limits that would set an undesirable precedent for future development. As such, the proposal is contrary to Policy DM2 (Development in the Countryside) and its associated sequential criteria, of the adopted Core Strategy 2011-2028. It is also contrary to policy SB1 (Settlement Boundaries) of the adopted Site Allocations and Development Management Plan 2016.

There is an under provision of parking at the site and no cycle/motorcycle provision indicated. Therefore the proposal is contrary to advice in the Somerset County Council Parking Strategy (adopted in Sept 2013), policy DM1 of the Taunton Deane Borough Council Core Strategy 2011-2028 and policy A1 (parking) of the adopted Site Allocations and Development Management Plan 2016.

Insufficient information has been submitted to enable the Local Planning Authority to determine whether or not the site is at risk of flooding or would be at increased risk of flooding as a result of this proposal. The proposal has not been submitted with a flood risk assessment and this site is situated close to areas of high flood risk (Flood zone area 3). Therefore, in accordance with the National Planning Policy Framework (section 10) and policies CP1(f) and CP8 of the Taunton Deane Core Strategy, the Local Planning Authority is unable to assess whether the impacts of this proposed new dwelling are acceptable in this regard.

Appeal Decision: Dismissed.



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## Appeal Decision

Site visit made on 23 January 2018

by **Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 12 February 2018**

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**Appeal Ref: APP/D3315/W/17/3187285**

**Barnoaks, Worthy Lane, Creech St Michael, Taunton TA3 5EF**

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<https://www.gov.uk/planning-inspectorate>

- 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 Emma Holland against the decision of Taunton Deane Borough Council.
  - The application Ref 14/16/0052, dated 16 December 2016, was refused by notice dated 10 April 2017.
  - The development proposed is demolition of existing garage and the erection of a single chalet bungalow.
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## **Decision**

1. The appeal is dismissed.

## **Procedural Matters**

2. The second and third reasons for refusal in the Council's decision notice relate to under provision of parking at the site and no cycle/motorcycle provision indicated; and insufficient information to determine whether or not the site is at risk of flooding or would be at increased risk of flooding as a result of the proposal. Since the Council issued its decision, I note from the submissions that the Council corresponded with the appellant on 5 September 2017 on these matters, in light of further information provided.
3. In that correspondence, I note that the Officer concerned provided his view that adequate parking could be achieved with an amended site layout and that, were the additional information submitted with an appeal, he would confirm that. Whilst I have not received such a layout, it is evident that the Council is satisfied that sufficient space for parking could be achieved. Based on my observations, I have no substantive reason to consider otherwise or that it would necessitate significant and material changes to the overall scheme. In respect of flooding, I note that the same Officer acknowledged that in light of the additional information, subject to the imposition of a condition to secure details and implementation of a surface water drainage scheme, this, in his view, would overcome the third reason for refusal. I have no substantive basis to consider otherwise, also noting that the site is not within a flood risk zone.
4. For the above reasons I have not considered those issues concerning the Council's second and third reasons for refusal as main issues.
5. The Council refers to appeal Ref APP/D3315/W/15/3138360 concerning a proposed dwelling on land adjoining North End Farm outside of the settlement

boundary that was dismissed. However, I do not have the full details of that case in order to make a full and proper comparison.

### **Main Issue**

6. The main issue is whether or not the proposal would be in a suitable location for a dwelling, having regard to the principles of sustainable development.

### **Reasons**

7. Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan (the SADMP) sets out that in order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements will be treated as being within open countryside. In relation to that, Policy DM2 of the Adopted Taunton Deane Core Strategy (the Core Strategy) sets out those forms of development that would be considered appropriate outside of defined settlement limits. None of those listed relate to the proposed development. The supporting text to policy DM2 explains that the restrictions are in place to protect and enhance the quality of local landscapes whilst promoting sustainable patterns of development and allowing for economic growth and diversification.
8. I have also had regard to bullet point 11 of paragraph 17 of the National Planning Policy Framework (the Framework) which states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
9. The proposed dwelling would be located outside of the settlement boundary, albeit not isolated from other dwellings. It would be within walking distance of the main part of the village, where there are some local services and facilities, including a mini supermarket, post office, vets, public house and schools. However, that would be via an initially unlit section of the lane and then along a section of road without footways. That would be likely to make walking into that main part of the village generally unattractive.
10. Furthermore, the larger centres, including Taunton, where the majority of other facilities and services to serve the full range of everyday needs for prospective residents, including the full range of shops and leisure and health facilities along with more employment destinations, are at a substantially greater distance away.
11. The appellant draws attention to the nearby cycle route along the Taunton to Bridgwater canal. However, it is likely that the distance involved to reach Taunton would discourage this from being a regular form of transport for most purposes throughout the year, including dark early evenings in the winter and in all weather conditions.
12. The appellant also refers to a bus service that stops at the end of Worthy Lane. However, I have no details as to its precise location and I saw no evidence of any physical demarcation of such a bus stop. Nevertheless, even if it were to stop at that point I have received no details as to how long it would take to reach the larger centres referred to above. Furthermore, although it is stated that there are four services a day on weekdays, that level of frequency would be unlikely to provide a high degree of flexibility in terms of times of travel.

13. It is therefore likely that prospective residents would be heavily reliant on private motorised transport as opposed to more sustainable walking, cycling or use of public transport for trips to serve their everyday needs and employment destinations. The proposed dwelling would therefore not be in a sustainable location in this respect.
14. I have also had regard to the effect of the proposal on the quality of the local landscape. In this respect, the proposed dwelling would be confined within the existing rear garden of Barnoaks and with a rear elevation approximately aligned with those of properties a short distance to the east set well back from Worthy Lane with only its proposed main garden area and that of the dwelling known as 'Alicar' in between. The rear boundaries of that row of properties form a distinct demarcation between the residential properties and open fields to the north.
15. In any limited views of the site from the road to the west of the site including over intervening hedgerows, subject to the maintained height, the proposal would be seen in that context. Furthermore, although its design would not match any of those existing dwellings, there is not a consistent existing design. Its massing would also be minimised with the first floor partly within the roof. Although it would be higher than Barnoaks, it would therefore also not appear discordant with the general built form of neighbouring dwellings seen as a group. Sight of the proposal from Worthy Lane would be restricted by intervening dwellings or, on the approach from the west, by a high field boundary hedge alongside the lane. Even if glimpsed through that hedge, it would be clearly seen as being within the confines of what is currently the rear garden of Barnoaks.
16. Therefore, despite its location outside of the settlement boundary, it would be unlikely to cause material harm to the character and appearance of the rural environment and as such would protect the local landscape. However, this does not deflect from my finding that it would not be a sustainable location in respect of access to services and facilities to serve everyday needs and employment destinations.
17. The appellant refers to the field opposite the site and along the lane to the east being earmarked for residential development in future planning development documents produced by the Council, in terms of the effect that it would have on the locality and probable adoption of a further part of Worthy Lane. However, I have received no substantive documentary evidence relating to any such potential development or the likelihood of it coming forward in the future. I have therefore afforded little weight to this factor.
18. The appellant also refers to another appeal decision, Ref APP/D3315/A/14/222815C3, in respect of a proposal outside of the settlement boundary in close proximity to existing dwellings that was deemed not to adversely affect the surrounding areas or communities. However, I have received no details of that case to enable me to compare circumstances, and I have determined this appeal on its own merits.
19. For the above reasons, the proposal would not be in a suitable location for a dwelling, having regard to the principles of sustainable development. As such, it would be contrary to policy SB1 of the SADMP and policy DM2 of the Core Strategy as well as paragraph 17, bullet point 11 of the Framework.

**Conclusion**

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20. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
21. The proposal would have the benefit of contributing to the local supply of housing. However, such benefit would be small, relating only to a single dwelling and insufficient to outweigh my finding that it would not be in a suitable location for a dwelling, having regard to the principles of sustainable development. It would therefore not be a sustainable form of development.
22. Therefore, for the above reasons, and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

*Andrew Dawe*

INSPECTOR