

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 15 August 2018 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 20 June (attached) 18 July 2018 (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 07/18/0009 Erection of extension to commercial property, erection of detached storage unit, change of use of land from agricultural to yard (Use Class B1/B2) and change of use of yard (Use Class B1/B2) to agricultural at Hele Manor Farm, Hele Road, Bradford on Tone
- 6 10/18/0020 Erection of single storey extension to the rear of The Shippen, Burnworthy Mews, Churchstanton
- 7 11/18/0007 Change of use from mixed C3 and Holiday let to Sui Generis (Holiday lets) at The Stables, The Byre and Sunset, Penbridge Court, Trebles Holford Road, Combe Florey (retention of works already undertaken)
- 8 38/18/0079 Erection of 72 No. apartments for the elderly, guest apartment, communal facilities, access, car parking and landscaping at former Lidl site, Wood Street, Taunton
- 9 49/18/0010 Erection of 1 No. bungalow in the garden and formation of parking to serve both houses at 50 Northgate, Wiveliscombe

- 10 46/18/0007 Erection of agricultural building for lambing, storage of machinery and fodder , erection of hay barn and siting of caravan at Moonview, Manleys Farm, Calways Lane, West Buckland (part retention of works already undertaken)
- 11 Latest appeals and decisions received

Bruce Lang
Assistant Chief Executive

07 August 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



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

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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 – 20 June 2018

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

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

Also present: Councillors Berry, Hall in connection with application No. 38/18/0029 and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

44. Apologies/substitutions

Apologies: Councillors Coles and Gage

Substitutions: Councillor Horsley for Councillor Coles;

45. Minutes

The minutes of the meeting of the Planning Committee held on 24 October 2017 were taken as read and were signed.

46. Declarations of Interest

All Councillors declared that they had received correspondence from objectors for application No. 38/18/0029. Also declared that they had received correspondences for application No's. 43/17/0143 and 43/17/0144/LB. Councillor Mrs Reed declared that she had 'fettered her discretion' for application No's 43/17/0143 & 43/17/0144/LB, she spoke as Ward Councillor and did not take part in the discussion or the vote of this item. Councillor Townsend declared a Personal Interest as he knew one of the objectors for application No. 38/18/0029. He left the room whilst the application was discussed and voted on.

47. Applications for Planning Permission

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

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

43/17/0143

Erection of single storey side extension with mezzanine and glazed link to main dwelling at Linden Cottage, Linden Hill, Wellington

- (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) Location Plan;
 - (A1) DrNo 04 Rev B Proposed Elevations, Floor Plans & Roof Plan;
 - (A4) Proposed Block Plan;

43/17/0144/LB

Erection of single storey side extension with mezzanine and glazed link and internal alterations to main dwelling at Linden Cottage, Linden Hill, Wellington

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A4) Location Plan;
 - (A1) Proposed Elevations, Floor Plans & Roof Plan;
 - (A4) Proposed Block Plan;
 - (A3) Floor Plan;
- (c) Prior to the construction of the extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in, writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;

Reason for granting permission contrary to the recommendation of the Area Planning Manager:-

Planning permission was not considered to cause substantial harm to the setting of the listed building.

49/17/0070

Erection of 3 No. detached bungalows with car ports and associated works on land adjacent to and to the rear of 13/14 Spring Gardens, Wiveliscombe

- (a) The development hereby permitted shall be begun within three years of the date of this permission:
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A3) DrNo A2013/02/PL301 Site & Location Plans;
 - (A3) DrNo A2013/02/PL302 Rev A Site Layout;
 - (A3) DrNo A2017/02/PL303 Rev B House Type;
 - (A3) DrNo A2013/02/PL304 Contextural Elevations;
 - (A3) DrNo 2573-SK-01 Elevation to footpath;
 - (A3) DrNo 2573-SK-02 Proposed Access and visibility splay;
- (c) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EPS ecology's submitted report, dated July 2016 and the ecology Addendum dated December 2017 and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when species could be harmed by disturbance.
 3. Measures for the retention and replacement and enhancement of places of rest for the species.

Once the approved works shall be implemented in accordance with the approved details and timings of the works unless otherwise approved in writing by, the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented;

- (d) Before the dwellings hereby permitted are 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;
- (e) The proposed estate road, tactile paving, verges, junction, street lighting, sewers, drains, service routes, surface water outfall, visibility splays, vehicle overhang margins, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design,

layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;

- (f) No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to, and approved in writing by, the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;
- (g) The area allocated for parking on the submitted plan, A2013/02/PL302Rev A shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (h) At the proposed access there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 2573-SK-02) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (i) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme;

No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured;

- (j) Notwithstanding the details shown on drawing number 2573-SK-01 (Elevation to Footpath) there shall be no gates erected in the new opening through the existing wall;

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

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

38/18/0029

Demolition and erection of replacement two storey 78 No. bedroom care home at Orchard Court Nursing Home, Harp Chase, Taunton

Reason

The proposed scheme was considered to be a cramped and contrived overdevelopment of the site due to its height and mass and proximity to the boundaries with lack of off road delivery space and small reuse store. It would result in a poor quality of environment for residents with a poor level of amenity space around this building and inappropriate obscure glazing provided to prevent overlooking and loss of privacy to neighbours that would not provide a good level of amenity to the occupiers of those rooms to paragraph 17 of the NPPF in terms of good design.

(3) That the following application **be deferred** for the reasons stated:-

48/18/0014

Installation of a heat pump unit for central heating on garage roof (retention of works already undertaken) at Glenrose, 89 Greenway, Monkton Heathfield

Reason

The proposed scheme was considered to be a cramped and contrived overdevelopment of the site due to its height and mass and proximity to the boundaries with lack of off road delivery space and small refuse store. It would result in a poor quality of environment for residents with a poor level of amenity space around the building and inappropriate obscure glazing provided to prevent overlooking and loss of privacy to neighbours that would not provide a good level of amenity to the occupiers of those rooms contrary to paragraph 17 of the NPPF in terms of good design.

48. Tree Preservation Order TD1135, (Taunton No. 1) 2018, 100-110 (evens) and 155-169 (odds) Firepool View, Taunton

The Tree Preservation Order protects 14 Birch Trees. The trees were planted about five years ago, as part of the agreed landscapes for this Crest Nicholson Firepool development (reserved matters application 38/11/0596). Each tree is in the corner of the front garden of one property, adjacent to the public footpath. In combination, they form an avenue of trees between houses 100-110 and 155-169, running north to south between Trenchard Road and the River Tone.

The development had been designed to be a modern, energy-efficient urban estate, drawing heavily on the fact that it was situated along the north side of

the River Tone. It had a distinctive, contemporary feel, in contrast to the more traditional new developments on the outskirts of the town.

The Tree Preservation Order (TPO) was served on the 4th January 2018. The grounds for serving the TPO was stated as follows;

The trees are healthy and have high amenity value. They were planted as part of the landscape scheme for the development. A planning condition ensured their retention for 5 years after planting. The new TPO ensured that these trees were retained one the 5 years had passed.

Representations had been received stating objections to the TPO. Eleven representations had been received in support of the TPO. It was noted that all five objections were from owners of the trees (although some properties were rented), whereas support comes from two owners and nine other addresses nearby on the development.

Resolved that:- The Tree Preservation Order was confirmed, unmodified.

49. Appeals

Reported that eight appeals had been received details of which were submitted.

(The meeting ended at 10.20 pm)

07/18/0009

REFRESH COMMERCIAL LTD

Erection of extension to commercial property, erection of detached storage unit, change of use of land from agricultural to yard (Use Class B1/B2) and change of use of yard (Use Class B1/B2) to agricultural at Hele Manor Farm, Hele Road, Bradford on Tone

Location: HELE MANOR FARM, HELE ROAD, BRADFORD ON TONE,
TAUNTON

Grid Reference: 318654.124553

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

(A1) DrNo 18-16.04 Proposed Store unit Plan and Elevations

(A1) DrNo 18-16.03 Proposed Extension Plan and Elevations

(A2) DrNo 18-16.01 Location and Block Plan

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

3. Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development plus details of the height of the proposed bund, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Harcombe Environmental services Ltd's Ecological survey and assessment

report, dated April 2018 and include:

1. Details of protective measures to avoid impacts on habitats during all stages of development;
2. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for bats and birds

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

Reason: To protect and accommodate wildlife.

5. The units hereby permitted shall not be occupied until the agreed number of parking spaces for the units have been provided the position as shown on the submitted dwg. no. 18-16.01B. The agreed spaces and access shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Reason: In the interests of Highway Safety

6. 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.

Reason: In the interests of Highway Safety

7. The use shall be as workshops, storage for agricultural machinery/ vehicle repairs, plus construction and delivery/storage of shepherds huts, B1, B2 and B8 only and for no other purpose without the prior written consent of the Local Planning Authority.

Reason: In accordance with Policy DM2 of the Taunton Deane Core Strategy.

8. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holidays or other than between the hours of 0730 and 1900 hours on weekdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

9. No refuse or waste materials shall be disposed of by burning on any part of the site.

Reason: To safeguard amenity in accordance with Policy DM1 of the Taunton Deane Core Strategy

10. Noise emissions from the workshops and from any part of the land or premises to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 2 Mina Leq, between the hours of 0800 to 1800 Monday to Friday and 0800 and 1300 on Saturdays when measured at any point 1.5 metres from any residential or other noise sensitive boundary. Noise emissions having tonal characteristics, eg hum, drone, whine, etc., shall not exceed background levels at any time, when measured as above. At all other times including Sundays and Bank Holidays, noise emissions shall not exceed background levels when measured as above. For the purposes of this permission, 'background levels' shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90 th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: In order to ensure the proposed development does not prejudice the amenities of the locality by reasons of noise in accordance with Policy DM1 of the Taunton Deane Core Strategy.

11. The height of any external storage shall not exceed the maximum of 3m as shown on the area of Block Plan drawing 18-16.01B hereby approved.

Reason: To minimise the impact of the development on the neighbouring residential properties and character of the area in accordance with Policy DM1(E) of the adopted Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Proposal

1, Erection of extension to commercial property, due to expanding business:-

Construction of an extension of 450sqm to the Montaz Unit and a 450sqm detached open store unit both with B1/B2 use, thus allowing Ashwoods to expand into the current Montaz unit and accommodate finished huts currently parked in the yard. The extension will utilise the existing steel structure (Montaz unit) and have 4 roller shutter doors to the south, an office in a bay to the west with future provision of a storage platform mezzanine above. The eaves height of the extension will be approximately 4.5m and incorporate 5 x 15m x 6m bays and be constructed in metal cladding to the roof and walls to match the existing

This will also involve the remove of part of an existing hedge.

2, Erection of detached storage unit, change of use of land from agricultural to yard (use Class B1/B2):-

A proposed new unit is to be constructed in the existing yard area and have an eaves height of 4.5m and incorporate 5 x 15m x 6m bays and be constructed in metal cladding to the roof and walls to match the existing.

The existing yard is also to be extended to the west on currently agricultural land by approximately 2300 sqm. It will have a permeable gravel surface and a new landscaped bund laid to lawn with regularly spaced trees planted in it around the southern and western boundary of the overall yard area.

Rainwater from the proposed commercial extension and new storage unit is to be collected in an attenuation pond behind the units in the north west of the site.

3, Change of use of yard (use Class B1/B2) to agricultural:- This involves reinstating part of the current yard area back into agricultural land at the south of the site.

Site Description

The proposal site known as Hele Manor Farm comprises of group of various commercial units with B1, B2 and B8 uses along with an adjacent yard area associated with the buildings.

The original planning permission in 2003 and subsequent consents have been approved for the three commercial units. Two currently are occupied by Ashwood Shepherds Huts (fabricators) and the third largest unit occupied by Montaz Engineering Solutions Ltd who use the adjoining yard plus an area of land to the south east of the buildings.

The strip of land to the south west of the building is used by Montaz engineering for vehicles awaiting repair. The land is long and narrow and adjacent to the Montaz unit, however, the lower half of the yard to the south of the buildings is under utilised as a working yard and become an untidy parking area along the access point to the yard.

The land to the north east, east south and west of the yard remains in agricultural use and also incorporates the adjoining highway.

Access to the site is via the current access arrangement which serves the site plus

Hele Mill House, Hele Manor Barns and Hele Manor Farm.

Relevant Planning History

This site has a long and varied history, the most recent of which is as follows;

07/11/0001, Conversion of buildings with some new build to provide 9 residential units with associated garaging, parking areas, gardens & courtyards at buildings to the rear of Hele Manor (application to replace extant permission 07/07/0022), withdrawn on 16/01/11.

07/15/0002, Variation of cond. 5 (use of yard & building) of application 07/03/0018 to permit general B1, B2 & B8 use of yard & building, conditionally approved on 10/04/15

07/15/0019/AGN, Notification for the erection of an agricultural building for storage, No objection, 22/12/15

Consultation Responses

BRADFORD ON TONE PARISH COUNCIL - The Parish Council carried out a site visit with the applicant on 2 June and **do not object** to this application, but have the following comments to make:

1. Access along the narrow Hele Lane is already difficult with six pinch points including four blind bends and two single track sections. This lane has been traditionally a popular route for dog walkers and horse riders.
2. The PC understand that Ashwoods and Montaz need to expand. Montaz service and repair HGV bin lorries, which suggests the likelihood of a significant increase in large vehicles. An increase in large vehicle movements caused traffic problems when Compass Tractors were based at Hele. The PC request a condition to be placed that restricts the number of movements from the new sites.
3. There are no alternative suitable routes to the application site.
4. A service contract commencing later this year suggests the lessees will increase service capacity for HGVs from one purpose built service bay to four bays.
5. A general comment is that Hele lane is regularly used by M5 from Exeter and A38 traffic (both ways) following accidents on those roads. The extended utility works on the A38 at Rumwell has shown fast moving traffic using Hele lane.
6. The PC ask that you consider the potential impact should the leases be transferred to another lessee whose requirements for HGV movements are greater than at present.

SCC - TRANSPORT DEVELOPMENT GROUP - SCC Highways - For the avoidance of doubt, on the information provided to date, it is unclear whether the applicants red line plan reaches the highway boundary that would allow vehicular access to and from the site. The Highway Authority would recommend that this is

clarified. The following comments are on the basis that this is the case:

The proposal site sits off the classified Hele Road north east of Bradford on Tone. The speed limit in the immediate area of the site is derestricted however observed vehicle speeds upon a site visit appeared to be considerably lower.

The proposed access is already in existence which currently serves an established range of B1/B2/B8 units. The suitability of the access for this purpose is broadly acceptable however it was noted upon site visit that overhanging 3rd party vegetation to the north of the access point partly obstructs full visibility onto the local highway network when measured back 2.4m from the running carriageway edge from the centre line of the access. The Highway Authority would welcome this to be cut back and maintained in the interest of highway safety.

Whilst the proposal may generate a material increase in vehicle movements onto the local highway network, the Highway Authority do not consider the anticipated impact to be severe. However, it is important to note that, any future applications at the proposal site that is likely to generate vehicle movements over and above the existing and anticipated vehicle movement from this proposal may require further traffic and transport details for assessment.

Turning to the internal layout, the proposal would equate to an additional 900sqm in units in total. The applicant's intension is to use both areas for storage to accommodate the expanding respective businesses. The applicant would need to provide a designated parking and turning area to accommodate the proposal.

With the above in mind there is objection from the Highway Authority. Should the Local Planning Authority approve the application, the Highway Authority suggest the following conditions to be attached;

1. The units hereby permitted shall not be occupied until an agreed number of parking spaces for the units have been provided in a position approved by the Local Planning Authority. The agreed spaces and access shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.
2. 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.

LANDSCAPE - The application is for the erection of an extension to a commercial property, the erection of a detached storage unit, and change of use of land at Hele Manor Farm, Bradford on Tone.

Langs farm SSSI lies 1.38 km to the west of the site.

The River Tone, although not directly attached, lies 150 m to the north of the site

The site is well screened from the public road by existing vegetation. The proposal has the potential to tidy up the site.

Details are required of height of bund and details of proposed landscaping.

BIODIVERSITY -

Harcombe Environmental Services carried out an ecological survey and assessment report for the site in April 2018 Findings were as follows;

Habitats

The majority of the development site is made up of semi improved grassland with the remaining area partially surfaced with gravel.

To the north of this area is a short length of hedgerow which is to be removed

Birds

Vegetation on site has potential to support nesting birds. Removal of the hedge should take place outside of the bird nesting season

Bats

The site did not provide bat roosting opportunities

Mammals

The site did not provide evidence of use by mammals.

Reptiles

The site did not provide evidence of use by reptiles. The site is heavily disturbed.

Amphibians

The shallow ditch to the north provides some opportunities for amphibians but the quality of the water was considered poor.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Harcombe Environmental services Ltd's Ecological survey and assessment report, dated April 2018 and include:

3. Details of protective measures to avoid impacts on habitats during all stages of development;
4. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance
5. Measures for the retention and replacement and enhancement of places of rest for bats and birds

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

Reason: To protect and accommodate wildlife.

Informative Note

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for

planning consent) must comply with the appropriate wildlife legislation.

Representations Received

Comment from Ward Cllr; Could I please add weight to the Bradford on Tone Parish Council views that the application amounts to over development in this rural area.

The HGV movements associated with this plan are of considerable concern.

13 letters of objection (2 from the same 2 people) has been received from the local community raising the following;

- Dramatic increase in heavy traffic using the highway.
- Hele Road virtually a single lane with 4 sharp bends from Stone House to Hele House.
- Road is part of recognised cycle route and used by horse riders and walkers.
- Congestion of busy lane not keen on having more traffic using it.
- Whilst I support local business growth, asks council to consider strategic plan for employment space in rural location.
- Proposal is not appropriate given the size of lanes.
- Don't believe B2 use is appropriate given proximity to surrounding dwellings.
- B1 use might be considered appropriate but question Montaz Engineering operating under B1 use.
- We do not agree to extending an industrial site in this area and have major concerns for safety of children in the area.
- Increasing traffic driving past our house at speed on narrow lane means it is only a matter of time before there is a serious accident.
- The applicant have already added to the traffic by creating 9 residential units adjoining the site. There is also gas turbine works nearby on same road.
- Montaz has diesel lorries running continuously at time any day of the week.
- The smell from bin lorries they service is unpleasant.
- Hedges do screen the site during the summer but it is more visible in the winter.
- Proposed storage area will be within 100m of our garden boundary.
- Unconvinced that the proposed storage area would not be used as additional industrial units.
- Who ensures restrictions on working hours?
- Object to increased traffic, noise and air pollution.
- Nature of the business is the regular servicing and repair of HGV's
- Several working farms also use the lane.
- The present land used as a breakers yard for Montaz engineering presents a concern of contaminated land.
- To change the use of the land to agriculture would require detailed site investigation & correct disposal of contaminated land.
- Further industrial units & additional employees will mean more chaos on the lane.
- There is no alternative forms of travel to the site and also no speed restrictions.

- There are also weak bridges at Hele and Bradford on Tone.
- Area prone to flooding.
- Development located on National Cycle Route.
- Hele is favoured and promotes equestrian facilities and large public events meaning additional traffic.
- Proposed working hours 7.30-17.30 Monday –Friday + 7.30am to 13pm on Saturday but weekend working is also undertaken on Sundays.
- Ashfords Shepherds Huts are often mobilised on Sundays.
- Proposed development not in sustainable location, natural environment to be enjoyed not developed in inappropriate areas.
- Fideoak Mill and West Park have easier access to main roads and corridor links.
- Road not suitable as it has become a rat run for traffic avoiding road works on A38 and M5.
- A number of horses are ridden along the lane causing chaos when HGVs try to pass them.
- Promises made previously by Compass Tractors limiting the amount of vehicle movements were never adhered to.
- One resident has helped more than 1 driver and vehicle out of a ditch.
- Dog walkers from new estates at Bishops Hull use local footpaths and this lane as circular route.
- When walking to letterbox 1 counted 46 vehicles in 15 minutes, please resist further vehicle increase.

2 letters of support raising the following;

- Ashwood Shepherd Huts have been based at the site for over 4 years and outgrowing the current premises.
- We now need extra space and have looked for suitable premises within Taunton, with our main concern retaining our current staff some have relocated their families within the surrounding area.
- We have looked at old farm buildings behind the site to house our needs however, these were not suitable and would split our systems too much.
- Montaz Engineering in the adjoining unit, make the chassis and we have a strong relationship with them.
- It was concluded that moving into the adjoining building and with simple modifications would work very well for us, and that Montaz would move into the proposed new building.
- The proposed separate store building which Ashwoods will utilise rather than renting another unit for materials and storage of timber in one area.
- As for extra traffic this will not be the case as with a more efficient workshop and better storage space we will be able to streamline the stock system and have less deliveries.
- If we had to relocate this would have a detrimental effect on our company and to the lives of our employees.
- We have been at Manor Farm for 4 years after moving from Fideoak Mill where it was difficult as it limited our business to operate efficiently due to the size of the workshop.
- Manor Farm has a lot more yard area and a workshop, the only negative is that the building only has one entrance..
- I was approached regarding the possibility of moving into a purpose built unit

- so that Ashfords could stay on site and agreed.
- The redesign of the external yard area will also be a benefit.

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,
CP6 - Transport and accessibility,
CP8 - Environment,
A1 - Parking Requirements,
SB1 - Settlement Boundaries,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Not applicable

Determining issues and considerations

The main issues and considerations in this case are; principle of development, impacts on the character of the area, residential amenity and highway safety.

The site currently has the benefit of B1, B2 and B8 Uses on the site and the proposal seeks permission to extend the current commercial provision at the site for expanding businesses as well as using and reinstating two small areas of agricultural land. The existing access to the site will be retained from the adjoining Hele Lane.

Local policy DM2 advises on development outside of settlement limits and one of the uses supported under the sequential test of this policy(Class B Business Use) are covered in point 2. a, b and c and guides that the following will be supported;

- a. New, small scale buildings up to 500sqm near a public road and adjacent to a rural centre within which there is no suitable available;
- b. Extensions to existing businesses where relocation to a more suitable site is unrealistic and the economic benefit of the proposal outweighs any harm to the objectives of the policy;
- c. Within existing buildings.

The proposed new unit and the new extension of the existing structure are to measure 450sqm accordingly and will allow the current businesses to expand their current premises.

The site is the subject of current enforcement issues and it is considered that the benefits of tidying and providing a more visually screened and condensed yard area will benefit both the businesses, the farmer and the visual appearance of the area.

The submitted detail (18-16.01B) shows a new landscaped bund is to be constructed around the southern elevation of the new commercial unit and the reconfigured yard area and along the western side of the new yard to the rear gable of the current Montaz unit. There will also be a new attenuation pond to collect surface water from both the new unit and the proposed extension, this is also to the west (rear gable of Montaz). In order that this rearrangement of land and the proposed parking spaces can be provided a small section of existing hedge will need to be removed, however, on balance this is considered acceptable in terms of landscape impact and retention of the overall character of the area, and local policies DM1 and CP8 of the adopted Core Strategy.

The Landscape and Biodiversity officer has commented (shown above) and has suggested a condition regarding protected species and also requires details regarding the height of the proposed bund. Conditions are appended accordingly.

Three nearest residential properties are located to the north of the application site and known as Hele Mill House and Hele Manor Barns. One letter of objection has been received from a member of the local community and can be seen above. The comments centre on the main road passing the site and the use of the road by several sections of the public. These comments are noted, however, in view of the existing use of the site and the comments returned from Highways, (no objection subject to conditions) it is considered that the proposal will not have any significant impacts on residential amenity.

The comments returned from Highways can be seen above in this report who have no objections subject to suggested conditions. Following receipt of the comments the planning agent was contacted to amend the proposal. A resubmitted site location (dwg. no. 18-16.01B) shows a proposed 27 parking spaces and turning area to be provided in front of/eastern elevation of the new extension of the Montaz building.

Comments have also been raised regarding noise and the hours of working at the site with regards to neighbour amenity. Therefore, conditions are appended to this decision on noise and hours of working as per the previous permission (07/15/0002).

To conclude, it is considered that the positive reconfigured layout of the site to allow

for an extension of facilities and parking/storage within the site is required for the extension of the current businesses and the site will be visually improved, whilst the adjoining farmland can also be retained. With no significant objection from either the local Parish Council, SCC Highways and officer consultees this development is recommended for conditional approval.

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

Contact Officer: Sue Keal

10/18/0020

MR & MRS P STEVENS

Erection of single storey extension to the rear of The Shippen, Burnworthy Mews, Churchstanton

Location: THE SHIPPEN, BURNWORTHY MEWS, SMOKEM LANE,
CHURCHSTANTON, TAUNTON, TA3 7DR

Grid Reference: Full Planning Permission

Recommendation

Recommended decision: Refusal

Subject to no representations raising new issues by 20 August 2018 the matter be delegated to the Assistant Director Planning & Environment to determine

- 1 The proposed extension by reason of its size, position and design will have a detrimental impact on the architectural integrity and traditional character of the existing dwelling and its rural setting within the Area of Outstanding Natural Beauty and will detract from the visual amenity of the locality and therefore would be contrary to policies DM1d and CP8 of the Core Strategy, policy D5A of the Site Allocations and Development Management Plan and policy PD1/B of the Blackdown Hills AONB Management Plan 2014-2019.

Recommended Conditions (if applicable)

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. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

Permission is sought to erect a single storey extension on the east elevation, which will project 6.35m metres by 10m in width. The extension has been designed to have a dual pitched tiled roof, will be finished in natural stone and with almost full height doors on the east elevation.

As per the previous planning application that was refused, pre-application advice was sought for the scheme prior to submission and the Agent was advised the proposed scheme was unacceptable in terms of design.

A decision cannot be issued until the expiration of the site notice consultation time - therefore the application is being presented to Committee for decision, subject to no further comments being received.

Site Description

The Shippen forms one of a group of 6 barn conversions, which were given planning permission in 2006 and revised in 2007. They are located within an Area of Outstanding Natural Beauty. The property was a traditional barn which still after its conversion is characterised by its linear form, which is unbroken. It has natural stone walls under a tiled roof, it has a low eaves line and wooden windows. Whilst the east elevation is shown to be the rear of the dwellinghouse facing onto the grassed garden, screened by a hedge, this is the first barn that is visible when the group of properties are approached along the access drive.

Restrictive conditions were imposed on the original application for the conversion of the complex of the barns in terms of extensions, additions, enclosures and additional windows openings; these conditions were required to give the Local Planning Authority control over any subsequent development.

Relevant Planning History

10/17/0004 Refused 23.03.17	Erection of single storey rear extension and extension to garage.
10/17/0013 Approved	Erection of extension to the east elevation of timber garage
10/06/0000 Approved 15.01.07	Change of use and conversion of farm buildings to form six dwellings
10/07/0024 Approved 13.09.07	As above - revised design

Consultation Responses

CHURCHSTANTON PARISH COUNCIL - The PC supports the application as only 9% of the garden is required for the proposed extension, it is in-keeping with the existing building not visible or nuisance to any other property, the double apex roof is in keeping with the continuation of the property (next door)

Representations Received

1 letter of objection received - The original planning permission for the development granted in 2007 acknowledged the local character and distinctiveness of the area in

addition to the architectural and historic qualities of the building. The resulting home reflect the original purpose of the buildings in their footprint, design and materials. We believe that the extension to The Shippen, a distinctive, long, single storey building forming one complete side would compromise the original vernacular architecture of Burnworthy.

4 letters of support - two from visitors of the area - that the extension will blend into the mews, no adverse impact on the area as use of matching materials and in keeping within the Area of Outstanding Natural Beauty. Two letters from a neighbours that feels that the design and materials are suitable and totally in-keeping with the rest of the small 6 dwelling mews properties and is not visible from the other dwellings as it faces onto open countryside and woodland.

Ward Member - following support from local residents and parish council I would request this application is brought to planning committee.

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,
CP8 - Environment,

Policy PD1/B of the Blackdown Hills AONB Management Plan 2014-2019.

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Not payable in this instance.

Determining issues and considerations

The proposed extension is considered to be unacceptable in terms of design, given

that this former barn has a traditional linear form and the extension is proposed centrally along the elevation. Whilst one of the letters of support state that it is not visible for the other properties at the site, this is a fundamental concern as the property is in a prominent position within the site and is the first barn which is visible along the approach road. Whilst this scheme is slightly different in design from the previous refusal in 2017, the extension will be located in a similar position and the principle of the proposal remains unchanged affecting the character of the property within the Area of Outstanding Natural Beauty. The Agent sought pre-application advice before the scheme was submitted and was advised that the extension would not be supported. The proposal is therefore considered contrary to policies DM1d and D5A and would harm the character of the property and the character of the AONB. This could also be considered contrary to policy PD1/B of the Blackdown Hills AONB Management Plan 2014-2019.

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

Contact Officer: Mrs S Melhuish

11/18/0007

MR SIMON PEARSON

Change of use from mixed C3 and Holiday let to Sui Generis (Holiday lets) at The Stables, The Byre and Sunset, Penbridge Court, Trebles Holford Road, Combe Florey (retention of works already undertaken)

Location: THE STABLES THE BYRE AND SUNSET, PENBRIDGE COURT,
TREBLES HOLFORD ROAD, COMBE FLOREY, TAUNTON, TA4
3HA

Grid Reference: 314955.13298

Retention of Building/Works etc.

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

(A4) Location Plan
(A4) Site and Floor 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 entered into pre-application discussions to enable the grant of planning permission.

Proposal

Change of use from mixed C3 (residential) and holiday let to Sui Generis (holiday lets) at The Stables, The Byre and Sunset, Penbridge Court, Trebles Holford Road, Combe Florey (retention of works undertaken).

Site Description

The site comprises of 3 established holiday let units known as The Byre Cottage, Stable Cottage and Sunset Cottage (western end of former Wagon Barn). It is also noted from the applicant that the addition of 2 double bedrooms (1 for Byre Cottage and 1 for Stable Cottage) as part of the former permission granted in 2005 was not completed.

The site is accessed via an existing entrance track within the hamlet of Trebles Holford, and into the self contained complex of currently mixed use holiday units and 1 residential unit, the large former barn building (Penbridge Court) which has previously been used at the main residence at the site. There is an existing archway link into the garden area to the rear and this has been converted into a small 2 storey one bed unit (known as 'Sunset'). The reference to the annexe building relates to a small former annexe area to the rear of and within the main farmhouse building.

The site would have originally been a local farm which was split up and sold off. The directly adjoining neighbour to the east know as Trebles Holford Farm, is Grade II listed and further dwellings to the east are Redlands, Cider Cottage and Redlands Barn. A Property know as The Paddocks is located to the north east of the site. The applicants also previously owned a Poultry House located to the north and beside the current access to the site.

Boundaries at the site are a mix of tall shrub and natural stone walls around the accommodation and also timber fencing and two timber storage sheds and a disused timber kennel on the adjoining neighbouring boundary to the east. A small amount of temporary willow fencing along the hedgerow boundary on the southern boundary of the site and the adjoining agricultural land. Along the western boundary there is an existing field hedgerow between the garden area and the adjoining open agricultural land. This land is higher than that of the site and along which there is a public footpath which is linked along the boundary from the access drive to the site. This footpath will not be altered or affected by the development.

Relevant Planning History

11/90/0006, Conversion of barns to provide 2 holiday units at Penbridge Court, conditionally approved on 12/08/1990

11/05/0003, Conversion of open section of existing barn adjoining dwelling to provide a new holiday unit and extension of existing holiday units to provide additional bedrooms and linking roof structure, conditional approval on 18/03/2005

11/10/0009, Replacement of poultry house with new stable block & storage building at Penbridge Farm, conditional approval on 18/10/2010

Consultation Responses

COMBE FLOREY PARISH COUNCIL - At the PC meeting on 18 May, this planning application was considered and discussed. The Council resolved to support the application.

Since the PC submission about this application on the 28th May, there have been a number of comments from other parishioners. In light of these comments the PC held at Extraordinary Parish Council meeting on Friday 21st June 2018 to consider the application. As a result the PC feel that this is a complex application which has both planning and environmental aspects and upon which we do not have the expertise to comment: we would recommend that it goes forward to a full planning committee for consideration.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing Advice.

ECONOMIC DEVELOPMENT - No objections to this one.

PLANNING ENFORCEMENT - This application has been submitted as a result of an ongoing enforcement case, let me know if you need any more information about it.

Please be aware of this site when the application comes in– the application needs to relate to the WHOLE site, it cannot be dealt with under two separate applications.

The enforcement case and breach of planning control relates to whole site being used as one holiday let use (sui generis use) rather than a mix of C3 and holiday let uses.

Representations Received

5 letters of objection have been received from the local community(2 representing the same person) raising the followings issues;

- Noise and disturbance.
- Traffic, including online shopping deliveries.
- Number of guests.
- Trespass of guests onto adjoining land leaving agricultural gates open.
- Ask the proposal be referred to planning committee.
- Unsuitable location and conflict with surrounding land uses.
- Proposal contrary to Local and National policy.
- Intrusive nuisance from guests using wrong access after following SATNAV.
- Part residential should remain.

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,
CP6 - Transport and accessibility,
CP8 - Environment,
A1 - Parking Requirements,
NPPF - National Planning Policy Framework,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Not applicable in this case.

Determining issues and considerations

The pertinent issues for consideration are; Principle of Development, Impacts on character and appearance of the area, Impacts on residential amenity, traffic.

Principle of Development

The site is located in the small hamlet of Trebles Holford outside of defined settlement limits and therefore classed as being in open countryside and where local policies DM1 and DM2 apply.

DM1 of the adopted Core strategy relates to all development proposals and it is noted that this submission relates predominantly to a change of use (which does not normally require permission) but also to works already undertaken, i.e. the main barn has been changed from having 2 kitchen and 5 bedrooms (2 en-suite) to 1 large kitchen and 6 bedrooms (4 en-suite). No changes were made to the 3 existing holiday lets. These internal works would have required building regulations and internal reorganisation of buildings do not require planning permission unless alterations were made to the external fabric of the building (walls, new windows/doors). Further this policy encourages brownfield redevelopment and efficient use of land. Travel implications such as road safety, amenity or congestion effects and reducing the need to travel are also considerations of this policy and it is considered that these are acceptable. Further discussion on amenity can be seen below.

DM2 of the adopted Core Strategy supports the use of holiday and tourism a) within existing buildings where there is an identified need, is compatible with and supports economic diversification of existing farming and service enterprises , b) touring caravan and camping sites with good access to the main road network and the site is not located within a floodplain or high risk of flooding, c) tourist and recreational

facilities provided that increased visitor pressure would not harm the natural and man-made heritage. The site has an established residential and holiday let use and the demand for more accommodation for larger groups has led to this proposal. The site does contribute to the local economic growth and prosperity in the local community by providing 10 jobs for the cleaning and maintenance of the units as well as work for local associated trades in the area from the visitors and the upkeep of the site. The site is not within a designated floodplain and has good access and road links from the main A38. The buildings have been converted in a sympathetic way with natural materials in keeping with the traditional farms appearance and does not harm the natural or man-made heritage.

This proposal has been submitted following an enforcement enquiry into a breach of planning control relating to the whole of the site rather than a mix of C3 (residential) and holiday let uses. The site as previously mentioned and stated in the history section of this report has an established holiday use for some of the current buildings apart from the large converted former agricultural barn which has been formerly used as the main dwelling at the site. Also an adjoining archway structure at the end of the barn and works have been undertaken to convert this structure into a two storey additional holiday let unit.

The use of the site would remain in residential use albeit full holiday use rather than part residential and part holiday use, and following previous pre application advice that advised that the 'use of the main house as a single unit of self catering holiday accommodation would not require planning permission as it would not cause a change of use of the property. There would be nothing to stop the whole being let as one, or as 4 separate units'. The advice also stated that the annex to the main dwelling should not be used as a separate unit, however, as the whole site could be used as holiday lets it would be unreasonable to restrict this one element. The annexe is located and within the main farmhouse and the applicant states in the submission that this was unconverted in 2015.

An appeal decision has also been submitted by the applicant (ref APP/ZO116/C/14/2227336) for a case for an alleged breach of planning control from a mixed C3/sui generis use of a self contained second floor flat for holiday use and a 9 bed house in multiple occupation, which the Inspector allowed the appeal and quashed the enforcement notice as the change of use, with conditions of a noise management plan, did not have significant adverse impacts on the amenities of nearby residents and that, the proposal did not conflict with local policy.

This case is considered to be policy compliant and acceptable in principle especially in terms of supporting sustainable rural tourism (revised NPPF para 83).

Impacts on the character and appearance of the area

The conversion works undertaken are sympathetic to the style and materials of the overall site, and the development does not have significant impacts on the character or appearance of either the area (not a conservation area) or have any impacts on the setting or appearance of the next door listed building (Farm house).

All of the current well screened boundaries are to remain. The only level vantage point into the site is at the rear end of the garden on the southern boundary from the adjoining agricultural land. Other than that there are glimpses from the public

footpath into the site from a raised level after leaving the access drive and climbing an existing stile.

Impacts on residential amenity

Several representations have been received from members of the local community in regards to;

Proposal contrary to Local and National policy/Part residential should remain. This has largely been addressed in the principle section at the start of this report, however, traffic will be discussed in the next section, leaving the subject of noise to be addressed. Noise complaints are dealt with under the Environmental Health legislation whereby noise logs would need to be taken and assessed and in the absence of this being undertaken it is difficult to control this issue. It was noticed at the time of the officers site visit that the applicant has erected signage on the inside of all external doors reminding guests to respect the local community and not generate excessive noise. The officer has also been advised verbally by the applicant that if a booking enquiry is made and questions regarding hiring of bands or small music gatherings, these booking are dissuaded. The NPPF (para 180) does advise that mitigation measures on potential impacts resulting from noise should be taken into account.

In terms of limiting the number of guests, this is considered unreasonable and unenforceable to condition this as there are already 3 holiday lets at this complex and although each case is judged on its own merits it is noted that in the appeal case the Inspector considered that limiting the permission to include one noise management plan. It is not considered appropriate/necessary in this case as there have been no previous or current noise complaints received by the local authority for this site. Therefore the proposal accords with national and local policies.

With regards to the trespass of guests onto adjoining land leaving agricultural gates open, this is a civil matter and not one controlled under the planning remit.

Unsuitable location and conflict with surrounding land uses, the holiday use has already previously been established for a number of years and supporting and developing the rural economic growth in rural communities is a key consideration in this case. Having considered the representations submitted a least two of these have been received from and on behalf of the adjoining neighbour who runs an equestrian business and farm on the adjoining property. The adjoining land on the western elevation is also in agricultural use and it is accepted that there are a small number of properties in this hamlet. It is considered however, that this change of use does not conflict with surrounding land uses over and above those which currently exist. Therefore, whilst there may be some, it is not considered there is significant impacts on residential amenity in the area.

Traffic

Comments returned from SCC Highways are Standing Advice and it is noted that there is ample parking and turning at the site for guests and associated workers to park and manoeuvre around the site from the existing access drive.

To respond to comments on intrusive nuisance from guests using the wrong access,

this is a matter for the applicant to address through marketing and signage once in the immediate locality of the site. At the time of the officers site visit a sign clearly indicating the drive and access was displayed at the access. As for additional traffic to this self catering holiday complex this is not considered to be a significant issue as the previous residential dwelling would still require such deliveries.

The development therefore accords with local polices A1 and A2 of the adopted SADMP (Site Allocations and Development Management Plan 2016 and policy CP6 of the adopted Core Strategy.

Conclusion

Given all of the above issues and considerations it is recommended that this proposal is granted conditional approval.

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

Contact Officer: Sue Keal

38/18/0079

CHURCHILL RETIREMENT LIVING

Erection of 72 No. apartments for the elderly, guest apartment, communal facilities, access, car parking and landscaping at former Lidl site, Wood Street, Taunton

Location: LIDL, WOOD STREET, TAUNTON TA1 1UN

Grid Reference: 322567.124786

Full Planning Permission

Recommendation

Recommended decision: Non-Determination Refusal

I recommend that in the event that the Local Planning Authority was in a position to determine the application, the application would have been REFUSED for the following reason:

- 1 The proposed development by reason of its design and mass will detract from the character of the area in terms of the river frontage and the road frontage and the latter will be dominated by car parking provision detracting from the setting of the building. The scheme is not considered of a sufficiently high quality for such a predominant site in Taunton's townscape, is not supported by the Design Review Panel and would be contrary to advice in the NPPF (para 129), the Taunton Town Centre Design Code SPD and policies DM1d of the Core Strategy and D7 of the Site Allocations and Development Management Plan.

Notes to Applicant

Proposal

The proposal is to erect a block of apartments for the elderly comprising 72 units over 4 floors, together with a guest apartment, communal facilities, access, car parking for 37 spaces, buggy store and landscaping at the former Lidl site off Tangier Way.

Site Description

The site consists of a triangle of land that is hard surfaced and was the former car park and now demolished building of the former Lidl store. The site is bounded by walling of varying height on all sides including a flood defence wall on the river side.

Relevant Planning History

38/00/0249 - Erection of a retail foodstore, car parking and the construction of a new

road and junction with Wood Street at the former Graham Reeves site, Wood Street, Taunton - CA 14/2/01

38/17/0442ENQ - Redevelopment of site to provide elderly persons apartments, communal facilities, access, parking and landscaping at former Lidl site, Tangier Way, Taunton

Consultation Responses

SOUTH WEST HERITAGE TRUST - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

LEAD LOCAL FLOOD AUTHORITY - We wish to object to the application until such time as the matters outlined below have been resolved or additional information submitted.

The FRA for this development includes a drawing showing the proposed drainage strategy. Surface water runoff from the site is proposed to be discharged to the River Tone via the existing outfall to the south of the site. The FRA states that approx. 66m³ of storage would be required to be provided.

However, the FRA asserts that, due to technical challenges of providing surface water storage within sites in the town centre, Taunton Deane Borough Council (TDBC) allows sites to purchase storage within Longrun Meadow located approx. 1km upstream of the site, rather than provide it on site. The FRA further states that it has been agreed with TDBC that the required attenuation storage can be provided off site by purchasing some of the available storage in Longrun Meadow.

However, the proposed drainage strategy appears flawed as to our knowledge the function of Longrun Meadow is to provide fluvial floodplain storage compensation, not surface water attenuation capacity. There appears to be sufficient space on site to provide 66m³ of storage. Therefore, the Applicant should provide further evidence of the agreement with TDBC and /or Environment Agency to utilise Longrun Meadow for this purpose, and why on-site attenuation storage is not a viable option.

The Applicant submitted a CCTV survey of the existing drainage system. It is unclear whether attenuation storage for the former Lidl supermarket was provided on site or off site or whether unrestricted discharge to the river was allowed.

It is unclear what discharge rate is proposed from the new development. The submitted FRA suggests that discharge rate will be limited to 120l/s. The FRA states that the estimated attenuation storage volume will be required to reduce site runoff rates by 30% (as it is required for the brownfield sites). We do not agree with this statement, as the storage volume was calculated based on the existing runoff rate estimated for the 1 in 100 year event with no reduction in the discharge rate. The Applicant should base their calculations on there being no increase in runoff between the 1 in 1 year event and the 1 in 100 year event (allowing for the potential

effects of climate change). In accordance with the West of England SuDS Guidance, the proposed discharge rate should provide a minimum 30% reduction in comparison with the existing discharge rates.

No information on the risk of water backing up the drainage system from the proposed outfall and how this risk will be managed was submitted. The Applicant shall submit the assessment of the risk of water backing up the drainage system and how it will be managed. This information shall be submitted prior the planning permission is granted to ensure that sufficient storage/management system is in place. The Applicant should confirm that the proposed drainage system will be designed to show no flooding from the system for up to and including the 1 in 30 year event. Detailed calculations will not be required at this stage.

The submitted FRA states that in the event of blockage or exceedance storm events, surface water will be stored in the area of the car park. The FRA states that finished floor levels will be established more than 0.9m above the car park area, hence there will be no increased risk of flooding to the property. No drawing showing the management of surface water runoff was submitted. The submitted Site Plan suggests that ground levels in the adjacent Tangier Road may be lower than the ground levels in the proposed car park. This could result in flooding of the road in the event of exceedance. The Applicant shall submit evidence that exceedance flows will be managed within the site boundary for up to and including the 1 in 100 year event with climate change and not pose risk to the development.

The submitted FRA states that the surface water drainage system has been designed to meet the requirements of Wessex Water as far as it is practicable. It is unclear what elements of the drainage system were designed in accordance with Sewers for Adoption.

The Applicant should confirm whether a Flood Defence Consent will be required from the Environment Agency for their proposed drainage strategy. This confirmation should be provided prior to planning permission being granted, but the consent can be provided at detailed design stage.

LEISURE DEVELOPMENT - No observations to make.

PLANNING POLICY -

Taunton Town Centre Area Action Plan (TCAAP)

Policy Tg1 proposes that the site be redeveloped for a range of uses to include residential development on 3-4 storeys.

Policy ED1 requires development on allocated sites to be 'appropriate and sensitive to context'.

Policy ED4 requires development to directly front public streets and spaces.

The Proposals Map makes clear that development should be in a 'perimeter block' form with active frontages to both the riverside and Wood Street/Tangier Way.

Whilst the proposal is appropriate in terms of land use and scale, the built form (a single block rather than a perimeter block, with no built frontage to Wood Street) seems wrong for the site – which at its deepest is 60m wide – and therefore in conflict with Policies ED1 and ED4 of the TCAAP. Whilst the continuous frontage to the river is welcome, the overall plan of the buildings does not really respond to the

site.

Other comments

This is one of the most visually prominent sites in the whole of Taunton – directly opposite Goodland Gardens – and a high-quality design is therefore essential. Given the dissatisfaction with the previous building on this site, Taunton simply has to get it right this time.

It is therefore disappointing that, given the acceptability of the land use from a policy point of view, the scheme seems ‘obviously poor’ in design terms. It is not the case that, as the applicant claims in their Planning Statement (paragraph 6.17) ‘full regard’ has been had to the character of the site and its surroundings.

It is interesting to note that Page 15 of the Design & Access Statement does refer to the issue of the Tangier Way frontage; however, this is then ignored in the actual design.

Care was taken to create a well-designed street frontage when Standish Court was developed on the opposite side of Wood Street/Tangier Way. It would seem inappropriate to permit a subsequent development to take place on the opposite side of the road that does not provide something complementary; i.e. a continuous built frontage to the street.

The development should take the existing highway visibility splays into the development site. These are based on former design standards that pre-date ‘Manual for Streets’. MfS suggests that a splay of no more than 2.4m x 43m is needed on most urban roads with a 30 mph speed limit; the existing splays are 4.5m x 70m. If the developer does not do this, there will be an inappropriate ‘leftover’ piece of land in front of the development.

The elevation facing the river does not appear satisfactory. Rather than reflecting on the exterior the interior repetition of individual units or pairs of units, the design of the façade appears to be an attempt to ‘stretch’ the façade to create the appearance of a single building, albeit with some articulation, over a length of nearly 100m.

Some of the roof pitches appear too low – typically roofs in this part of Taunton are pitched at between 30-40 degrees and use slates as the covering material. As drawn, the roofs risk appearing out of character and will not ‘register’ sufficiently. The main roofs appear to be at close to 45 degrees – an angle which has been referred to by leading architects as ‘ugly’.

Windows in the north-east elevation may overlook and potentially constrain future development of the Poundstretcher site.

Is it not possible to consider placing the communal facilities at the south-western end of the building with residential units extending in a V-shape along both the road frontage and the river?

The developer needs to address the character of the highway adjacent to the site. Owing to the busy nature of Tangier Way, it is suggested that the footway on this frontage should be somewhat wider than the minimum – say 3.5m (similar to those which have been provided on the Third Way bridge over the River Tone). This would also facilitate containing the visibility requirements within the footway area. In view of Taunton’s designation as a Garden Town, it would also be good if some street trees could be introduced on this section of Tangier Way, which is currently very bleak.

WESSEX WATER - No comment.

BIODIVERSITY - The site is immediately adjacent to The River Tone, a local Wildlife site. ECOSA carried out a Preliminary Ecological Appraisal of the site in March 2018.

The site comprises predominately hardstanding with a small amount of scrub, tall ruderal vegetation and scattered broadleaf trees. It is immediately adjacent to the River Tone.

The scheme will include lighting but currently details are unknown. **The sensitive design of lighting is very important due to the possible impact lighting could have on wildlife using the river.**

Findings were as follows

Bats

The site itself provides negligible potential for foraging and commuting bats however the River Tone provides important habitat for bats, particularly pipistrelle, lesser horseshoe and noctule bats. The introduction of lighting is likely to have a negative impact on these bats so must be sensitively designed with lux levels as low as possible.

I support the installation of bat boxes

Birds

The site has potential to support nesting birds. Removal of vegetation should take place outside of the bird nesting season

I support the installation of bird boxes

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of ECOSA's Preliminary Ecological Appraisal, dated March 2018 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of proposed lighting
5. A Construction Environmental Management Plan (CEMP)

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained.

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

Reason: To protect and accommodate wildlife.

Informative Note

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

SCC - TRANSPORT DEVELOPMENT GROUP - There is no objection in principle to the application from the Highway Authority, we do have concerns with regards to

the proposed bin storage and collection area. It is to our understanding that the sites previous use as a supermarket would of involved refuse vehicles coming into the site and collecting the waste from the site, thus not blocking the highway.

It would appear that the current application would propose that the bins be emptied whilst the lorries are parked along Tangier Way, therefore blocking elements of the highway. Given that the access site has the capacity to accommodate large refuse vehicles into and out of the site in question, the Highway Authority would advise the applicant revisit the proposed internal layout that would allow for refuse vehicles to collect the waste without any potential to block the highway given they have the capacity to do so.

SOMERSET WASTE PARTNERSHIP - We are raising concerns over the proposed collection and return of at least 16 wheeled bins from the main road (A3087 - Tangier Way). We would block the road here while making collections which I estimate could take up to 20 minutes per collection. This would cause danger to our collection crews and members of the public using the road. We would much prefer to make the collection from the parking area for those homes where it would be safer for all. The bin store would need to be capable of holding at least 10 x 1100L (1335mm x 1360mm x 1030mm) refuse bins and at least 6 x 240L (1065mm x 575mm x 735mm) communal recycling bins. It is worth noting this service will be expanded in the future so additional capacity for this number of bins should be considered.

LANDSCAPE - The apartment block should be set back from the river as much as possible with tree planting forming a buffer between the river and the development. The development should also front Tangier Way which is a major route through town. The location of the parking should be rethought.

ENVIRONMENT AGENCY - Thank you for referring the additional information concerning the above application, which was received on 12 June 2018. The Environment Agency would request that the latest drawings refers to the crucial level of 16.37m Above Ordnance Datum, as mentioned in the Flood Risk Assessment (FRA). This is the height the development should be protected by defences. Section 1.2.6 page 1 of the FRA and section 5.1.1 page 10 says that the development frontage would form a flood defence at a minimum level of 16.37 m AOD. This line of defence is no longer showing on the latest drawings. This level of defences is also what was agreed at the pre application stage with the applicant and forms the basis of the FRA. The drawing and the FRA need to be aligned. From the FRA and previous discussions our understanding was that the existing wall would be enhanced to provide a protection to 16.37 m AOD. If the current proposal is to raise ground level on the development side of the wall and not to increase the wall height, we will need to understand how the entire site is protected and how and where it ties in to the existing high ground to provide the necessary protection for the entire site and not just the river frontage.

HOUSING ENABLING - I have had a look at the viability statement submitted in conjunction with the above application and this would need to be independently verified. We would like to arrange to discuss alternative tenure mixes and options, as part of this verification process.

POLICE CRIME PREVENTION DESIGN ADVISER - No objection subject to

comments.

Guidance is given considering 'Crime Prevention through Environmental Design', 'Secured by Design' principles and 'Safer Places'.

Comments:-

1. Crime Statistics – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/04/2017 - 31/03/2018 is as follows:-

Burglary – 10 Offences (comprising 8 business/community burglaries & 2 attempts)

Criminal Damage - 28 Offences (incl. 13 criminal damage to buildings & 9 criminal damage to vehicles)

Drug Offences – 8

Robbery – 5 (all personal property)

Sexual Offences - 14

Theft & Handling Stolen Goods - 155 Offences (incl. 4 theft from motor vehicles, 71 shoplifting & 20 thefts of pedal cycles)

Violence Against the Person - 213 Offences (incl. 5 wounding/GBH, 81 assault ABH, 58 common assault & battery, 4 possess blade in public & 56 causing intentional harassment, alarm, distress)

Other Offences - 12

Total - 445 Offences

This averages 37 offence per month, almost 9 offences per week, which is high level in a fairly small area, probably related to the fact that the proposed development is near the town centre and potentially vulnerable to crime and ASB.

2. **Design & Access Statement** – the DAS at page 37, under the heading '**Security**', explains some of the measures proposed to be introduced to ensure the safety of residents and security of the block. This indicates to me that the applicant has considered some crime prevention measures in the design of this proposed development. I would support the comments made and will expand on some of them below.

3. **Defensible Space** – it is important that boundaries between public and private space are clearly defined and the Site Layout plan shows that the perimeter will be enclosed by a low wall and railings which should prove sufficient. There appears to be a lack of defensible space adjacent to ground floor windows around the block and the provision of areas of planting in front of these windows would make unlawful access more difficult, even if these apartments are alarmed. There is a pedestrian gate near the temporary bin storage area in Tangier Way but no gate or barrier at the vehicle entrance, although privacy signage will be displayed. Despite the signage, the lack of any form of access control at this point means that the external areas of the development will be accessible to any potential intruder. The provision of a fob operated rising barrier or similar form of access control at this entrance would enhance the security of the car park and residential block.

4. **Natural Surveillance** – optimum natural surveillance should be incorporated whereby residents can see and be seen, this should include unobstructed views from the development of all external spaces, including footpaths, roadways, car park and landscaping. Any recesses, blind corners or potential hiding places should be eliminated. There are numerous windows in all elevations and, generally speaking, this appears to be the case.

5. **External Security Lighting** – appropriate 'dusk to dawn', low energy security lighting should be designed to cover potential high risk areas including main

site access points, footpaths associated to main building, buggy store, bin store and any other secluded areas around the site. Also main entrance doors, secondary access doors and fire exit doors. All lighting should be vandal-resistant and automatically controlled by photo-electric cell or time switch with manual override.

6. **Landscaping/Planting** – The majority of landscaping around the development appears to be laid to lawn with interspersed trees. As a general rule, where good visibility is needed shrubs should be selected which have a maximum 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. This also appears to have been catered for.

7. **Car Parking** – is in straight rows at the front of the building enabling good surveillance and is well overlooked from residents rooms at the front and by dwellings opposite in Tangier Way.

8. **Buggy Storage & Bin Stores** – the Buggy Storage area is some distance from the main building in an area with limited natural surveillance and I recommend it be relocated to an area nearer the building with improved surveillance opportunities. The Bin storage area appears to be well overlooked and 'wheelie' bins should be secured to prevent their use as climbing aids or for arson.

9. **Climbing Aids** – the ground floor and upper level balconies at the rear and sides of the building are potentially vulnerable to climbing and any potential climbing aids should be avoided.

10. **Doorsets & Windows** – in order to comply with **Approved Document Q: Security Dwellings** of Building Regulations, all easily accessible external doorsets (including flat entrance doorsets) and ground floor or easily accessible windows (including rooflights) must be tested to PAS 24:2016 security standard or equivalent (BS 7950 has now been superseded). Care should also be taken to ensure that the louvres in the louvred windows on the ground floor at the sides of the building cannot be removed to gain access from outside the building.

11. **Access Control** – the security of the building is enhanced by discouraging casual intrusion by non-residents, so public access should be discouraged. The DAS indicates that an audio/visual access control system will be installed allowing either the lodge manager or residents to remotely identify any visitors from within the building and release the doors accordingly. This should prove sufficient to deter casual entry and a 'tradesman' button should be excluded from this system.

12. **CCTV** – the only cctv system proposed appears to be that linked to the access control system to the building in order to verify the identity of visitors. In addition to this, I recommend consideration of the installation of cctv cameras to monitor external areas including the grounds, car park, entrances and any other potentially vulnerable areas.

13. **Intruder Alarm** – the DAS states that all ground floor and any easily accessible apartments externally will be fitted with PIR's linked to a master intruder alarm which should be monitored by the lodge manager or remotely. Flat entrance doors will also be connected to the intruder alarm system.

14. **Other Internal Security Issues** – the Entrance Lobby incorporates an 'airlock' type arrangement with an internal secondary door and is well monitored from the adjacent Reception/Office. It is recommended that internal doors leading off the Owners Lounge and on each level be incorporated into the access control system. In addition, 24 hour lighting should be provided to

communal parts of the building including the lobby, lounge, corridors, landings, stairwells and all entrance/exit points. The building design does appear to provide good sight lines throughout the various levels of the building.

15. **Secured by Design(SBD)** – if planning permission is granted, the applicant is advised to refer to the additional comprehensive information available in the ‘SBD Homes 2016’ design guide available on the on the police approved SBD website – www.securedbydesign.com.

DESIGN REVIEW PANEL -

The Panel raised the following points: -

The Panel considers that the presentation given at the design review panels session was clear, thorough, and professional. It is considered that this clear and professional presentation has been of benefit to the design review panel process.

Overall the Panel is not supportive of the design of the proposals, which it is felt are not of a sufficiently high standard for such a predominant site within Taunton’s townscape. Furthermore, it is felt that the proposals have not demonstrated an appropriate response to the sites context or setting.

It is felt that the proposals site is an ideal site for the proposed use; that is to say that as a result of the sites close proximity to the town center, its good public transport links, its adjacency to an existing residential area, and its proximity to a green space, the proposal site is an appropriate site for a retirement living development.

The Panel feels that the site is a very prominent site within the centre of Taunton in

terms of townscape. It is located in close proximity to the River Tone, opposite Goodland Gardens, and the Museum of Somerset, also close to a conservation area.

As such it is felt that the design quality of the proposals on this site are particularly

important, and should be of a very high standard demonstrating a response to the

unique and special context. Whilst it is considered that the site, due to its prominent

location, requires a very high level of design quality, it is also felt that this prominence

within Taunton’s townscape represents a very exciting opportunity for the applicant in

terms of added value.

The Panel is concerned that the proposals presented do not project any strong statement in terms of design or identity; it is felt that the design proposals feel retro in terms of their aesthetics and approach, and do not demonstrate an enhancement to the site or the immediate setting. In an effort of helpfulness, it is suggested that it may be beneficial for the elevations to any future proposals to be illustrated within the wider street context.

The 'Site Layout Strategy' drawing is welcomed by the Panel, however there is a concern that this may have been lost in the design process; it is suggested that it maybe beneficial for any future design proposal to revert to this site analysis, and demonstrate how the design has responded to the analysis.

The Panel notes and accepts that the proposed use of the building operationally requires the development to be provided within one built form. Furthermore, the Panel acknowledges the attempt to breakdown the mass of the building, however it is felt that this is done through a series of lightweight gestures which are not successful in this regard. The Panel suggests that it may be beneficial for the proposals to refer to the detailing and materials found in the nearby conservation area.

Generally, there is a concern that the proposals lack immediate contextual and wider analysis, which it is felt may represent a missed opportunity.

From an urban design context and conservation area perspective, the Panel notes that from the traffic light crossing point located to the south of the site, there is an excellent existing view looking towards the park and the town which provides a view of an existing church tower, (St Mary's), and other building forms, which creates visual links & draws pedestrians towards the town. There is a concern that the proposals may block this view in their current form. The Panel feels this may be an important view that should be considered, and that generally any design proposals on this site may benefit from giving greater consideration to the surrounding urban design and conservation area context.

In an effort of helpfulness, it is suggested that it may be beneficial for any future design proposals to incorporate a conservation area appraisal which may help to inform and ground the proposals within the locality.

It is felt that the scale of the proposed building and its relationship with the immediate context and neighbouring buildings may benefit from being explored further; currently the Panel feels that this aspect has not been clearly demonstrated, and there is a concern that the form of the proposals may not be appropriate in this regard.

Regarding the proposed siting, the Panel is supportive of the aspiration to provide garden/ green landscape area to the southern part of the site. Notwithstanding this the Panel feels that these proposed external garden areas are very small, and may benefit from being increased in size. Garden sizes aside, it is felt that the proposals may benefit from providing an increased space between the proposed building and the river.

It is suggested that it may be beneficial to explore and demonstrate alternative iterations regarding siting of the building; for example, it is suggested that there may be an opportunity to explore the orientating of the building to relate to the orientation of the adjacent road rather than the river, which may help to address some of concerns noted within this feedback document.

In an effort of helpfulness, the Panel suggests that it may be beneficial for any future new proposals to incorporate long sections through the site, demonstrating the

relationship between Tangier Way, the external spaces, the proposed building floor levels, and the river.

Furthermore, in an effort of helpfulness, the Panel suggests that any future proposals may benefit from demonstrating a better integration between the river and the proposed building; for example, it is suggested that there may be an option to create stepped terraces that incorporate planting.

It is suggested that it may be beneficial for any future proposals to demonstrate the way in which end users may utilize the building, and how this has informed the design; for example, but not limited to the storage and charging of mobility scooters, and the access to and from the town centre.

Internally the Panel has concern regarding to the long corridors, particularly as indicated on the upper floors. It is suggested that there may be an opportunity to provide smaller break out spaces with external views on each floor that may help to break up the corridors, and create a better and more sociable living environment for the end users.

The Panel feels that the parking is satisfactory, however, it is felt that as a result of the sites town centre location, the proposals would be acceptable with less parking if this helped to facilitate an overall more contextually appropriate design. Furthermore, regarding parking, it is felt that it is very centralized, and it is suggested that there may be an opportunity to create a larger buffer between the car park and the road using landscape. Alternatively, it is suggested that there may be another option of integrating the car parking into any proposed open space to the street side of the proposals, creating parking within a garden space.

The Panel has a concern regarding the proposed ramp levels, and suggests that it may be beneficial for a section to be provided to demonstrate accessibility from the street level through the car park and into the ground floor of the proposed building.

The proposed bolt on balconies are supported by the Panel, but it is suggested in an effort of helpfulness that there may be an opportunity to go further in this regard, and integrate these into the built form.

The Panel notes the stated aspirations regarding sustainability and low energy performance of the building. However, it is suggested that it may be beneficial for any future design proposals to be developed demonstrating how low energy and renewable energy considerations may have informed the building design and building form on a site-specific basis.; for example, the Panel notes the potential large area of south facing roof area.

It is suggested that there may be an opportunity to incorporate ecological biodiversity and habitat measures into the proposals in an integrated manner; it is felt that empirically demonstrating an ecological enhancement may be a consideration in favour of the proposals.

SUMMARY OF RECOMMENDATIONS, (to be read in conjunction with the above).

In summary the main conclusions of the Panel are: -

- The presentation given at the design review panels session

was clear, thorough & professional.

- The Panel is not supportive of the design of the proposals which it is felt are not of a sufficiently high standard for such a predominant site within Taunton's townscape.
- It is felt that the proposals have not demonstrated an appropriate response to the sites context or setting.
- It is considered the site is an appropriate site for a retirement living development.
- The Panel feels the proposals are retro in terms of their aesthetics & do not demonstrate an enhancement to the site or the immediate setting.
- It may be beneficial for any future design proposal to demonstrate how the design has responded to the site analysis.
- The Panel feels that the attempt to break down the mass of the building has not been successful.
- There is a concern that the proposals lack immediate contextual & wider analysis.
- It is suggested the scale of the proposed building & its relationship with the immediate context & neighbouring buildings should be further considered & demonstrated.
- It may be beneficial to provide an increased space between the proposed building & the river.
- Future proposals may benefit from demonstrating a better integration between the river & the proposed building.
- Internally the Panel has concern regarding to the long corridors.
- It is felt less parking would be appropriate if this helped to facilitate an overall more contextually appropriate design
- The Panel has a concern regarding the proposed ramp levels between the car park & the ground floor.
- It may be beneficial to demonstrate how low energy & renewable energy considerations may have informed the building design & building form on a site-specific basis.
- Empirically demonstrating an ecological enhancement may be a consideration in favour of the proposals.

Representations Received

6 letters of objection on basis of
design being pastiche that looks like it belongs on a business park,
town deserves better,
no need to fit in with a particular style,
riverside terrace is too small.
should be cafes, bars and restaurant not housing,
concern over architecture and materials
concern over landscaping and lighting to the river,
poorly sited buggy store,
site should be mixed use
swift nesting boxes should be incorporated into the design
impact on retail viability of the town

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.

SP1 - Sustainable development locations,
CP1 - Climate change,
CP4 - Housing,
CP5 - Inclusive communities,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
A1 - Parking Requirements,
A2 - Travel Planning,
D7 - Design quality,
D13 - Public Art,
ENV4 - Archaeology,
ENV5 - Development in the vicinity of rivers and canals,
ENV2 - Tree planting within new developments,
ED1 - Design,
ED4 - Density,
TG1 - Wood Street Sites,
ED6 - Off-site Public Realm Enhancements,
F1 - Flooding,
F2 - Developer Contributions to Waterways and Flooding,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

The application is for residential development in Taunton Town Centre where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£77,963
Somerset County Council	£19,423

6 Year Payment

Taunton Deane Borough	£466,157
Somerset County Council	£116,539

Determining issues and considerations

The application has been appealed against for non-determination so the consideration is what decision Members would have reached if the application was before them for consideration. The main considerations are compliance with policy, the use, the design, access and drainage.

POLICY

The site lies within the town centre and is subject to a number of planning policies including the Core Strategy, the Site Allocations and Development Management Plan and the Taunton Town Centre Area Action Plan. Policy Tg 1 of the latter plan set out the potential requirements for individual sites in Wood Street. The Lidl site was identified for residential use, a potential swimming pool or library and an improved riverside path with development of 3-4 storey envisaged by the design guide. The Town Centre Area Action Plan was adopted in 2008 and given the circumstances over the intervening 10 years it is no longer envisaged that there is a need for additional swimming pool or that the library will move to this location. The site is available for residential use and there is scope to improve the riverside as part of any development.

The applicant has demonstrated that there is a need for elderly persons accommodation and that such provision would have social, economic and environmental benefits for the area. The applicant has submitted a viability assessment which demonstrates that affordable housing provision in terms of a commuted sum would not be viable. In addition to this the new NPPF suggests a minimum 10% requirement for affordable housing in certain circumstances but also provides exemptions to this. The provision of purpose-built accommodation for the elderly is one such case, so consequently no affordable provision can be required in this instance.

The use for elderly person's accommodation is one that is considered acceptable in principle given the central location of the site and ease by which residents could access facilities. The issue to consider are whether there are any adverse impacts from the proposal to outweigh the benefits.

DESIGN

The main issue here is the design given that the site is a very prominent one in terms of townscape as it will be clearly visible from the road and from the conservation area on the opposite side of the river. The site is already set above river level and to satisfy the Environment Agency requirements to allow for residential use it is necessary to increase the level of the site around 1m. This will accentuate the prominence of the building and it is vital that given the poor design of the previous building the replacement here is of a good design.

As a consequence the Authority took the scheme to the Design Review Panel and their comments are included above. The panel was not supportive of the design and considered it not of sufficiently high standard for such a predominant site within the townscape. The new NPPF supports the use of such panels and the need to support good design and advises 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area' (para130). The design forms a large monolithic block running parallel to the river and it does not adequately address the road frontage. The gables on the river frontage are rather flat and do not reflect the character of the area and the gables on the road elevation are a mix of brick and cladding which again is not reflective of the character of the area. The parking is excessive given the nature of the development and is located in a large mass in front of the building with limited landscaping. A revised design submission is expected to address the concerns raised, however the applicant wanted the current scheme determined as submitted.

ACCESS

The access to the site is off Tangier Way and the scheme utilises the existing access point. The Highway Authority consider this access, parking and visibility suitable and raise no objection. The issue of concern is the siting of the bin collection area and the intended servicing of this from the highway. The submitted turning details indicate a fire appliance can be accommodated within the site and so similarly it is considered a refuse vehicle could equally. The Waste Partnership do not consider the approach of servicing from the highway to be safe and provision for collection within the site should be addressed through any revised scheme.

The current layout indicates 37 parking spaces for 72 units set out in one area. The car parking requirement of policy A1 is flexible and allows for the consideration of impact on urban design, the accessibility of the site and the nature of the development. The policy states reductions in level of car parking will be expected for the elderly person's accommodation. Consequently the nature of the current layout impacts on the design and forms part of the objection while a reduction of numbers of spaces would be expected as part of any re-design to improve the layout and landscaping.

DRAINAGE

The site lies within the flood risk area adjacent to the river and a FRA has been submitted with the scheme. The site is allocated in the Local Plan and passes the

sequential test as a result. The developer has approached the Environment Agency for pre-application advice and seeks to raise levels across the site and provide a new flood defence level of 16.37m AOD. This would help safeguard the site and help prevent flooding to other parts of the town centre. As a result of this intended enhancement the Environment Agency does not consider provision of off site flood mitigation storage is required.

The surface water drainage currently operates to existing drains and agreement would need to be reached with Wessex Water and the Lead Local Flood Authority. The latter has raised objection as there is a lack of information in terms of the surface water provision on site. The developed site will have a greater permeable area and will reduce the surface water run-off and it is considered a suitable condition could be imposed to address this. The foul drainage scheme is to link into the existing Wessex Water system and there is no objection to this.

SUMMARY

In conclusion the use of the site for elderly person's accommodation is considered acceptable in principle and subject to an appropriately designed scheme could be supported. However the current submission is not considered an acceptable one in design terms and in line with policy and the NPPF it would have been recommended for refusal.

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

Contact Officer: Mr G Clifford

49/18/0010

MRS S HAYMAN

Erection of 1 No. bungalow in the garden and formation of parking to serve both houses at 50 Northgate, Wiveliscombe

Location: 50 NORTHGATE, WIVELISCOMBE, TAUNTON, TA4 2LF

Grid Reference: 308156.128202

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The location of the proposed detached dwelling is harmful to the appearance and character of the area as it does not reflect the surrounding built context and does not define or enhance the existing street scene. The proposal, by way of its positioning would lead to a cramped development resulting in a poor level of amenity for future residents of the building as well as adverse impact on neighbouring amenity and an under provision of parking. The proposals are therefore contrary to the requirements of Policies DM1 and DM4 of the Taunton Deane Core Strategy 2012 and Policy D7 of the Site Allocations and Development Management Plan 2016.

Recommended Conditions (if applicable)

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

Erection of 1 x 3 bedroom bungalow in the garden and formation of parking to serve both houses at 50 Northgate, Wiveliscombe.

The proposed bungalow would measure approximately 9.5m wide x 10m long with an overall ridge height of 4.9m and be constructed in red brick and have a hipped roof clad in dark brown concrete tiles to the roof. The proposed windows and doors will be white upvc and is of standard design.

The bungalow would be served by 2 car parking spaces from the shared tarmac entrance lane and rear access to no.50 Northgate.

Garden areas serving the bungalow will be to the side and rear. A 1.8m high close boarded fence is proposed along the north eastern boundary with Dixon Close where there currently exists post and rail fencing.

Site Description

The proposed development site is located within the extended curtilage of 50 Northgate, which is to the rear of garaging accessed via an un-adopted private way. The dwelling houses within the area are typically two storey semi-detached former LA properties with red brick and double Roman/concrete roof tiles.

The site is currently the front garden area of the dwelling, sited to the north of a group of garages. It is noted that the ground level of this plot is significantly higher than the land on the northeast which is the residential development known as Dixon Close, and in particular the rear of no. 15 and 17 (semi-detached 2 storey houses). Further on the north eastern boundary of the site (proposed parking/turning is the side of no 19 Dixon Close. There is currently a 1.8m high closed boarded fence erected on land to the rear of the Dixon Close gardens (eastern boundary with site), however, this is set lower than the land level of the site.

The northern eastern corner of the site and the adjoining parking area for Dixon Close currently has a post and rail fence boundary. The northern boundary adjacent to no 50 Northgate) and adjoining no. 40 Northgate comprises of various timber buildings and timber fences.

The site is accessed by a drive serving the fronts of the dwellings and the garage blocks. The dwellings on Northgate are two storey, but there are bungalows along Style Road.

The area directly adjoining 50 Northgate is laid to gravel.

Relevant Planning History

49/07/0022, Erection of dwelling, land at 50 Northgate, Conditional approval on 28/6/07

49/10/0031/REX, Erection of dwelling at 50 Northgate (Replace extant permission for application 49/07/0022), conditionally approved on 6/8/10

49/14/0026, Erection of new build bungalow at 50 Northgate, conditionally approved on 8/8/14

49/17/0009, Erection of 1 bungalow with parking and associated works land adjacent to 50 Northgate, Withdrawn, 15/05/17.

Consultation Responses

WIVELISCOMBE TOWN COUNCIL - The Town Council support this application with the following observations:

- There should be at least a parking provision for 2.5 cars as stated in SCC

- minimum regulations standards.
- It should also have a 16 amp car charger point installed in the property to charge electric vehicles.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing Advice.

WESSEX WATER - Thank you for your consultation in respect of the above. I attach a map showing the approximate location of the public foul sewers and water supply mains close to the proposal.

There is an existing sewer in the adjacent road which according to our records is just 100mm diameter and designed to convey foul flow only from no more than 10 dwellings. Due to size measures must be taken by households to ensure items are not disposed of to the sewers which can cause sewer blockages and lead to sewer flooding. Items which must be bagged and binned include wet wipes and fats, oils and grease (FOGS). Application details for foul and water supply connection are available on our website.

The proposal for soakaways is supported which will be subject to building control, your Authority will need to be satisfied that sufficient space has been allocated within the site layout and that sufficient infiltration rates can be achieved. There must be no surface water connections to the public foul sewer.

The proposal according to the EA flood risk maps is located in an area at risk of surface water flooding. Your Authority will need to be satisfied that the proposal will not be liable to surface water flooding or cause an increased risk of flooding elsewhere.

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,
CP8 - Environment,
D7 - Design quality,
A1 - Parking Requirements,

D10 - Dwelling Sizes,
D12 - Amenity space,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable.
Proposed dwelling measures approx. 74.5sqm.

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 £9,500.00. With index linking this increases to approximately £12,500.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£1,079
Somerset County Council	£270

6 Year Payment

Taunton Deane Borough	£6,474
Somerset County Council	£1,619

Determining issues and considerations

The main issues and considerations in this case are;

- Principle of development
- Impact on the character and appearance of the area
- Impacts on residential amenity
- Highway Safety

Principle of development

The site is located within the settlement limit of Wiveliscombe where Core Strategy Policies SP1 and CP4 support the provision of new residential development. The issues to consider therefore are, the impact of the proposed dwelling upon the character of the area, visual and residential amenity and highway safety.

Impact on the character and appearance of the area

The proposed development lacks any special architectural merit but the surrounding

residential area similarly lacks any great character, however there is a mix of both brick and render in the vicinity and both two storey dwellings and bungalows. The building would be secluded, in a constrained site and be screened by existing hedgerows and the garages to the South of the site. Whilst the proposed dwelling is not of a high quality design, the development is considered to be backland development in a currently open garden area/open space behind existing garaging. Therefore developing this site needs to carefully consider the impact upon visual character and amenity of the area.

It is noted that planning permission has been granted on this site in the past for a larger dwelling but this was prior to the adjoining fields being developed and the estate at Dixon Close being constructed. It is therefore considered that the development is out of character in terms of the siting of the surrounding built form which leads to a cramped development when considering the local context. The development is therefore contrary to policy DM1 of the adopted Core Strategy 2011-2028.

Impacts on residential amenity

With regard to neighbouring amenity, it is noted that no representations have been received from the locality.

The proposed bungalow will largely look out over the neighbouring residential estate and particularly numbers 15 and 17 Dixon Close. As previously stated the land level of the site is much higher than that of Dixon Close and the proposed dwelling would face directly towards the rear of the two storey semi-detached houses with the distance of the rear eastern gable approximately 5m from the gable to the closest point of the boundary and then measuring 9m at the widest point.

A 1.8m high close boarded fence is proposed along the adjoining north-eastern boundary of the single storey bungalow and a set of 4- bi-fold doors of the proposed living room/kitchen would be inserted on the eastern gable facing the neighbours.

On the western elevation facing onto the access lane and towards no 50 Northgate, would mainly face an existing tall 4m+ high thick leylandii type hedge. The proposed windows on this western elevation would serve the side of the entrance hall and bedroom 2 and the distance from this elevation to the boundary is approximately 2m (1m of which is the existing hedge).

On the proposed southern elevation two windows are proposed serving bedroom 1 and the kitchen, however the existing garaging as shown on the submitted block plan are only 1m from the boundary walls to the rear walls of the garaging.

The northern garden area of the bungalow and the proposed entrance of the dwelling measures approximately 3m from the northern elevation to the boundary with the two parking spaces and turning area beyond this.

The proposal cannot be supported in principle given the dwellings relationship with the newer dwellings east of the site and the impact that would be caused on their residential amenity due to the cramped site which would lead to overbearing impact and possible loss of amenity to the proposed occupants of the bungalow and on adjoining neighbours to the east in terms of overlooking. Therefore the development

would be contrary to policy DM1 of the Taunton Deane Core Strategy.

Highway Safety

The access currently serves a number of dwellings and a garage block of 14 garages from Style Road. Typical movements for a residential dwelling are on average 6-8 movements per day and therefore in this respect considered minimal and highway safety will not be significantly impacted upon as a result.

SCC have returned comments of 'Standing Advice' from their adopted Parking Strategy (adopted in 2013). Standing advice requires:

- Provision of adequate drainage so that surface water does not drain from the site onto the highway or vice versa.
- The access should have a minimum width of 3m
- The access should be properly consolidated for the first 5m and must not exceed a gradient of 1 in 10 for the first 6m from the edge of the adopted highway.
- Vehicular entrance gates should be set back a minimum distance of 6m from the carriageway edge and should open inwards. Pedestrian gates should open inwards.
- On site turning space should be provided where the proposal derives access from a classified road.
- Turning will be required, independent of the necessary parking provision where an access is onto a classified road.
- Parking for 2.5 vehicles = Visitor parking (in Zone B, including Wiveliscombe).

Parking and turning space is shown on the submitted block plan (Dr.No. 2911 - 17 -02). The planning history for this site can be seen above and it is noted that the previous application ref 49/17/0009 was withdrawn due to concerns expressed over the size of the dwelling and the proposed parking in that instance. This proposal, shows a similar sized dwelling, with garden area directly adjoining the bungalow with the associated 2 parking spaces plus turning and 2 spaces for no. 50 Northgate to the north and west.

No details have been stated regarding the requirement of 3 cycle spaces (1 per bedroom), electric charging points or on the proposed waste storage.

Due to the lack of all of the required details and that only 2 spaces per the host dwelling and the proposed bungalow there is an under provision of parking and therefore this is contrary to planning policies DM1 of the adopted Core Strategy and policy A1 (parking) of the adopted SADMP (Site Allocations and Development Management) 2016.

To conclude, from the issues as discussed above it is considered the proposal would result in an unsuitable cramped form of development and is recommended that this proposal is refused.

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

Contact Officer: Sue Keal

Supplementary Item

46/18/0007

Erection of agricultural building for lambing, storage of machinery and fodder, erection of hay barn and siting of caravan at Moonview, Manleys Farm, Calways Lane, West Buckland (part retention of works already undertaken)

Introduction

The above application was recommended for approval and approved by the Chair on 25 June 2018. The conditional approval was issued on 26 June 2018. A copy of the report and decision are attached in Appendix 1.

However under the Taunton Deane Borough Council Delegated Powers the application should have been reported to Planning Committee for consideration and determination as four submissions and an objection from West Buckland Parish Council were received.

Update of Report

Submissions

Four submissions were received objecting to the application on some or all of the following grounds:

- number of buildings appear excessive for the use of land for keeping of sheep
- height of the building for the storage of tractor unnecessarily high
- manure pile located close to residential properties and is unpleasant
- increase noise from machinery and lambing
- land is used for agriculture and equine
- buildings are located in a visually prominent location with no natural screening
- overshadowing resulting in loss of light
- poor visibility at point of access
- proposal is contrary to a number of planning policies

Two submissions were received from residents following the receipt of amended plans with the following comments:

- amendments bring to light rather extensive omissions from the first application
- plans not updated to reflect amended proposal
- Environmental Health should be re-consulted
- Damage to the highway has occurred
- Agree with the comments of the AONB

Recommendation

That Planning Committee endorse the recommendation to approve the application.

Appendix 1 – Report and decision

CASE OFFICER'S REPORT AND RECOMMENDATION

Application No: 46/18/0007

Applicant: MR & MRS MOON

Erection of agricultural building for lambing, storage of machinery and fodder , erection of hay barn and siting of caravan at Moonview, Manleys Farm, Calways Lane, West Buckland (part retention of works already undertaken)

Grid Reference: 316951.119371

Retention of Building/Works etc.

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:

(A3) DrNo AC23/1A Location Plan
(A3) DrNo AC23/2B Site Plan
(A4) DrNo AC23/4 Proposed Floor Plans
(A3) DrNo AC23/2D Plan of Proposals
(A3) DrNo AC23/3A Proposed Elevations

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

3. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority within six months of the date of this approval. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season following the granting of the approval.

(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.

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

4. The caravan shall not be used for overnight occupation except during the lambing season.

The caravan shall not be used for a permanent residential dwelling without further consideration and approval by the Council.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need.

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, submitted partly in retrospect, proposes the erection of buildings for the purposes of agriculture and the keeping of horses. The application has been amended to include all buildings on the site which do not appear to have the benefit of planning permission and includes two general purpose sheds for the storage of machinery, fodder and lambing, a hay barn, a sheep shelter, stables, a small timber shed and the stationing of a caravan.

The amended application includes:

- the reduction in the height of the building for the storage of the tractor
- the siting of a caravan. The applicant has stated that the caravan is solely for the purpose of being available for lambing.
- plans to show that the shed is the only building with a concrete floor
- the change of use of land for the keeping of horses

Site Description

The site, outside a defined settlement boundary and in an area of open countryside, is a small landholding, located on the lower slopes of the Blackdown Hills, approximately 600m from the boundary of the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The site is accessed from the public highway to the south. A public footpath crosses the site to the north at the point where the site narrows.

Relevant Planning History

None

Consultation Responses

WEST BUCKLAND PARISH COUNCIL - The location plan is not included online. There is a lack of information with this application to make a considered comment. Is it possible for the applicant to provide information about the number of agricultural livestock and amount of land farmed. I understand that horses are also kept and these are not agricultural livestock.

Further comments received: Recommend refusal for the following reason:

- over development of the site
- the close proximity of livestock housing and dung heap to residential accommodation which will cause problems with noise, odour, flies and rodents
- the site is very visible and the change of use is considered to be detrimental to the visual amenities and landscape character of the area adjacent to an Area of Outstanding Natural Beauty
- the change of use has resulted in part domestication of an area of land resulting in the introduction of additional domestic paraphernalia causing a detrimental impact upon the character and appearance of the area. A caravan is permanently sited and not just for lambing

SCC - RIGHTS OF WAY - No comments received

PLANNING ENFORCEMENT - No comments received

SCC - TRANSPORT DEVELOPMENT GROUP - No observations to make on this application

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comments received

ENVIRONMENT AGENCY - No comments received

LANDSCAPE - The site is elevated and so can be clearly viewed from the public road to the NW. However a new building will store agricultural implements and machinery which may be more intrusive in the landscape than the building. I would like to see some limited landscaping to the immediate north of the new structure.

BLACKDOWN HILLS AONB SERVICE - I note that the site is several hundred metres outside the AONB, and do not wish to comment in detail. However, I do note that the countryside around the site is open and elevated, and as such it would be important that any development is not unduly prominent in local views on approach towards the Blackdown Hills or in views out from the AONB.

Representations Received

Three letters of objection from two local residents have been received making some or all of the following comments:

- number of buildings appear excessive for the use of land for keeping of sheep
- height of the building for the storage of tractor unnecessarily high
- manure pile located close to residential properties and is unpleasant
- increase noise from machinery and lambing
- land is used for agriculture and equine
- buildings are located in a visually prominent location with no natural screening
- overshadowing resulting in loss of light
- poor visibility at point of access
- proposal is contrary to a number of planning policies
-

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,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

The development does not attract an infrastructure levy.

Determining issues and considerations

Policy DM2 sets out the requirements for development in the countryside. Part 4 relates to agriculture, forestry and related and requires that new non-residential agricultural buildings are commensurate with the role and function of the agricultural unit.

The additional information submitted includes all the works of development carried out on the site without planning permission.

The site area measures approximately 2.7 acres (1.1 hectares) of grass keep for the grazing of sheep. The site is also used for the keeping of horses. The application also includes the stationing of a caravan.

Letters from four landholders in the Wellington area have been received stating that the applicants graze sheep on land in their ownership during the year. However no confirmation of tenancy agreements have been received.

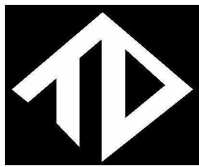
It is considered that whilst the buildings do not appear to be commensurate with the role and function of the agricultural unit, the buildings are required to facilitate lambing from September through to February when sheep are brought onto the land from other locations. The caravan is also required to provide accommodation whilst lambing. One of the proposed buildings would also be of sufficient size to accommodate the tractor which is currently stored outside. The height of the building has been reduced by approximately 1m thereby reducing its visual impact. The agricultural buildings would be constructed in timber and are of a design appropriate to a rural area. It is considered that the development would not cause demonstrable harm. A condition requiring appropriate landscaping to the north is considered appropriate.

The use of the buildings and the land would be used primarily for agricultural purposes appropriate to the rural location. The use of the land for the keeping of horses would not be an inappropriate use in the countryside and would have no greater impact on the visual amenity of the locality.

The proposal complies with the relevant policies and approval is recommended subject to conditions.

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

Contact Officer: Denise Grandfield



**TAUNTON
DEANE
BOROUGH
COUNCIL**

Tim Burton BA(Hons) BTP MRTPI

Assistant Director, Planning & Environment

The Deane House, Belvedere Road, Taunton TA1 1HE

Tel: 01823 356464 Fax: 01823 356352

email: t.burton@tauntondeane.gov.uk

Our Ref: **46/18/0007** (please quote on all correspondence)

26 June 2018

MR BILL HANSFORD
W HANSFORD LTD
17 ORCHARD CLOSE
LOWER WESTFORD
WELLINGTON
TA21 0DR

Dear Mr Hansford

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)

Proposal: Erection of agricultural building for lambing, storage of machinery and fodder , erection of hay barn and siting of caravan at Moonview, Manleys Farm, Calways Lane, West Buckland (part retention of works already undertaken)

Application Type: Retention of Building/Works etc.

Grid Reference: 316951.119371

Please find enclosed the decision notice for your planning application **46/18/0007**. It is very important that you carefully read the entire notice including the conditions. No further reminder letters will be sent.

Planning Conditions

Planning permission is conditional on the compliance with any attached conditions. Failure to adhere to the requirements of a condition can result in unauthorised development taking place and enforcement action being taken against you.

It is your responsibility to ensure that you have complied with all the requirements of all conditions.

Approval of Details Reserved by Condition

Some conditions can require the submission of information or further details prior to any works commencing. Failure to comply with the requirements of any such condition could result in the planning permission becoming null and void.

Should you be required to submit further information for approval by any condition there is a charge £34 for householder applications and £116 for all others. The fee

is payable for each request, which can include details of more than one condition. Cheques should be made payable to Taunton Deane Borough Council and must be submitted with the request to the Conditions Monitoring Officer. Application forms for the approval of details reserved by condition are available from the Planning Portal website.

There are no national requirements for applications for the approval of details reserved by condition except that they should be made in writing and that the authority should determine them within 12 weeks of the application being validated. It is therefore important that any request is made in a timely manner to avoid any delays in works commencing on site.

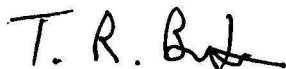
Building Regulations

Building Regulation approval is a separate matter from obtaining planning permission for the work that you are intending to carry out. Most building work whether new, alterations, extensions or change of use requires Building Regulations approval. For more information about the Building Regulations, from what they are to what is covered by them, please contact the Somerset Building Control Partnership at somersetBCP@sedgemoor.gov.uk or telephone 0300 303 7790. Additional information can be obtained at - www.sedgemoor.gov.uk/SomersetBCP

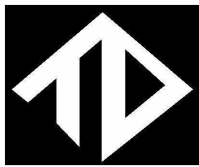
Site Notice

The Local Planning Authority may have erected a Site Notice on or near the application site to advertise this development proposal. Could you please ensure that any remaining notice in respect of this decision is removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

Yours sincerely



ASSISTANT DIRECTOR, PLANNING & ENVIRONMENT



**TAUNTON
DEANE
BOROUGH
COUNCIL**

PLANNING & ENVIRONMENT

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Email: planning.admin@tauntondeane.gov.uk

MR BILL HANSFORD
W HANSFORD LTD
17 ORCHARD CLOSE
LOWER WESTFORD
WELLINGTON
TA21 0DR

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)

Application No: 46/18/0007
Proposal: Erection of agricultural building for lambing, storage of machinery and fodder , erection of hay barn and siting of caravan at Moonview, Manleys Farm, Calways Lane, West Buckland (part retention of works already undertaken)

Application Type: Retention of Building/Works etc.
Grid Reference: 316951.119371

Taunton Deane Borough Council under the above Act hereby GRANT PERMISSION for the above development.

The development 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 condition(s):

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

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

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

(A3) DrNo AC23/1A Location Plan
(A3) DrNo AC23/2B Site Plan
(A4) DrNo AC23/4 Proposed Floor Plans
(A3) DrNo AC23/2D Plan of Proposals
(A3) DrNo AC23/3A Proposed Elevations

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

- 3 (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority within six months of the date of this approval. The

scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season following the granting of the approval.

(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.

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

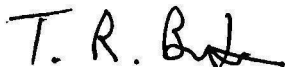
- 4 The caravan shall not be used for overnight occupation except during the lambing season.

The caravan shall not be used for a permanent residential dwelling without further consideration and approval by the Council.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need.

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.



ASSISTANT DIRECTOR, PLANNING & ENVIRONMENT

Date: 26 June 2018

N.B. Notes of the applicant's rights are overleaf.

NOTES

(1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so **within 6 months of the date of this notice**. Appeals can be made online at <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within six months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

(2) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) In certain circumstances, a claim may be made against the Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

(4) Having regard to the powers of the Highway Authority under the Highways Act, 1980, you should consult the Planning Liaison Officer, County Highways, Somerset County Council, County Hall, Taunton, TA1 4DY (Telephone: 0845 345 9155) in respect of a proposal within or immediately adjacent to a public highway (e.g. footpath and margin crossings, piping of ditches, construction of waiting bays etc.).

(5) This permission does not authorize you to stop up or divert a public right of way in order to enable the development permitted to be carried out. Separate legal steps are necessary for this, and, if required, further information can be obtained from the Diversion Order Office The Deane House, Belvedere Road, Taunton, TA1 1HE (Telephone 01823 356300).

(6) You are advised to investigate the possible existence of apparatus of Statutory Undertakers before commencing the development.

(7) In the case of development which will result in (1) buildings or premises to which the public are to be admitted whether on payment or otherwise, or (2) office premises, shop premises and railway premises to which the Office, Shops and Railway Premises Act, 1968, applies; premises which are deemed to be such premises for the purpose of that Act, or factories as defined by Section 175 of the Factories Act, 1961: being premises in which persons are employed to work, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act, 1970, in connection with (1) and to Sections 8 and 8A of that Act and the Code of Practice for Access for the Disabled to Building (i.e. British Standards Institution Code of Practice referred to as BS 5410:1971) in connection with (2).

(8) In the case of development which will result in the provision of a building intended for the purposes of (1) a university, university college or college or a school or of a school or hall of a university; or (2) a school within the meaning of the Education Act, 1944, a teacher training college maintained by a Local Education Authority in England or Wales or any other institution providing further education pursuant to a scheme under Section 42 of that Act, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act, 1970, and Design Note 18 "Access for the Physically Disabled to Educational Buildings", published on behalf of the Secretary of State for the Environment.

(9) This decision notice Certificate does not purport to convey any approval or consent which may be required by any byelaw, order, regulation or any enactment other than the Town and Country Planning Act, 1990. In particular it may be necessary to submit an application for approval under the Building Regulations, advice on which may be obtained from the Building Control Officer, The Deane House, Belvedere Road, Taunton. (Telephone: 01823 356470).

APPEALS RECEIVED – 15 August 2018

Site: 115 Darby Way, Bishops Lydeard

Proposal: Erection of 1 No. detached dwelling in the garden to the side with associated parking and formation of car parking to serve 115 Darby Way, Bishops Lydeard

Application number: 06/17/0030

Appeal reference: APP/D3315/W/18/3205186

Site: POETS VIEW COTTAGE, BISHPOOL LANE, SPAXTON, BRIDGWATER, TA5 1DS

Proposal: Erection of two storey extension to side, single storey extension to side and rear and conversion of outbuilding to additional accommodation at Poets View Cottage, Bishpool

Application number: 06/17/0045

Appeal reference: APP/D3315/ D/18/3204563