

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 18 November 2009 at 17:00.

---

### Agenda

- 1 Apologies.
- 2 Public Question Time.
- 3 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 4 43/09/0082  
Demolition of nursery buildings and redevelopment to provide up to 113 dwellings, 3121 square metres of employment land class B1 (non-office) and B8, open space, revised access and associated highway improvements at Rylands Nurseries and Sunnymead, Bagley Road, Rockwell. Green, Wellington as amended by additional drainage information received 04.09.2009 and amended site layout plans (CD 926 SP 10 and details of link to Blackdown Road) received 19.10.2009.
- 5 08/09/0010  
Erection of single storey dwelling on land to the north of the former Maidenbrook Farmhouse, Cheddon Fitzpaine.
- 6 10/09/0024  
Erection of agricultural storage shed at Vencroft Farm, Churchstanton (retrospective - resubmission of 10/08/0023).
- 7 19/09/0007LB  
Erection of single storey extension to west elevation at Buttles Lodge, Village Road, Hatch Beauchamp.
- 8 21/09/0020  
Erection of a dwelling in the garden of 5 Swifts, Langford Budville (resubmission of 21/08/0029).
- 9 27/09/0020REX  
Erection of a horticultural nursery to include poly tunnel and construction of access at land south of Harris's Farm, Hillcommon (to replace extant permission 27/06/0015).

- 10 38/09/0324  
Erection of 2 semi-detached houses on land between 2a and 3 Burns Road, Taunton (resubmission of 38/09/0241).
- 11 Miscellaneous item - Proposed development at Station Farm, Bishops Lydeard : Affordable Housing provision.
- 12 Enforcement Item E0138/35/09 - Stationing of a mobile home on the site for residential purposes, land at Bullockfield Hill, Stawley, Wellington.
- 13 Enforcement Item E0194/08/08 - Erection of gates to cattery entrance at Four Winds, Upper Cheddon, Taunton.
- 14 Enforcement Item E/0246/27/09 - Occupied mobile home at Knapp Farm, Hillfarrance Road, Hillfarrance.
- 15 Enforcement Item E/0314/38/09 - Development not as approved plans together with unauthorised boundary fence at Eastwick Farm, Eastwick Road, Taunton.
- 16 Enforcement Item E0365/27/2006 - Residential occupation of land south-west of Allerford Farm known as 'Gaia', Hillfarrance, Taunton.
- 17 Enforcement Item E370/38/2005 - Provision of raised decking area at 1 Trevett Road, Taunton.
- 18 Enforcement Item E102/29/2007 - Results of Enforcement Action taken in respect of Lower Fyfett Farmhouse, Otterford, Chard.
- 19 New appeals received since the last meeting and the latest decisions.

Tonya Meers  
Legal and Democratic Services Manager

18 December 2009

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.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

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

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

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

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



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



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

**For further information about the meeting, please contact Democratic Services on 01823 356382 or email [d.durham@tauntondeane.gov.uk](mailto:d.durham@tauntondeane.gov.uk)**

**Planning Committee Members:-**

Councillor P Watson  
Councillor D Wedderkopp  
Councillor M Floyd  
Councillor K Durdan  
Councillor B Denington  
Councillor M Hill  
Councillor D House  
Councillor C Bishop  
Councillor R Bowrah, BEM - Mayor  
Councillor J Allgrove  
Councillor C Hill  
Councillor S Brooks  
Councillor G Copley  
Councillor P Critchard  
Councillor L James  
Councillor T McMahon  
Councillor N Court

STRATEGIC LAND PARTNERSHIPS

**DEMOLITION OF NURSERY BUILDINGS AND REDEVELOPMENT TO PROVIDE UP TO 113 DWELLINGS, 3121 SQUARE METRES OF EMPLOYMENT LAND CLASS B1 (NON-OFFICE) AND B8, OPEN SPACE, REVISED ACCESS AND ASSOCIATED HIGHWAY IMPROVEMENTS AT RYLANDS NURSERIES AND SUNNYMEAD, BAGLEY ROAD, ROCKWELL GREEN, WELLINGTON AS AMENDED BY ADDITIONAL DRAINAGE INFORMATION RECEIVED 04.09.2009 AND AMENDED SITE LAYOUT PLANS (CD926 SP 10 AND DETAILS OF LINK TO BLACKDOWN ROAD) RECEIVED 19.10.2009.**

312571.119691

Outline Planning Permission

---

**RECOMMENDATION**

That planning permission is **GRANTED** subject to a **Section 106 agreement** requiring:

1. 30% of the development to be 'affordable housing' of which two thirds to be social rented and one third to be an intermediate 'rent-to-buy' product;
2. A contribution of £281,911 (£2,494.79 per dwelling) towards improvements to the capacity of Rockwell Green Primary School;
3. The provision of on-site play facilities catering for 0-17 year olds, plus a commuted sum for maintenance;
4. A contribution of £1,023 per dwelling towards off-site active recreation provision and sports pitches, to be spent within a 2 mile radius of the site;
5. A contribution of £30,000 towards improvements to Rockwell Green Village Halls or other community facilities within a 2 mile radius;
6. The developer to agree a travel plan and implement it, including a payment of £300 per dwelling towards a green travel voucher;
7. The payment of £5000 towards improvements to the strategic cycling network within the vicinity of the development;

and the following **conditions**:

1. No development shall commence until approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the

expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. The industrial buildings shall be limited to uses within Classes B1 (b) and (c) (excluding office uses) and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended and for no other purpose.

Reason: Other uses would have the potential to cause undue noise or disturbance to neighbouring residential properties or lead to a decentralisation of uses that would be more appropriately located in town centre locations, in accordance with Policy S1 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 6.

3. Prior to the occupation of 50% of the dwellings, Freehold Serviced employment Land shall have been provided in accordance with details which shall have been agreed in writing by the Local Planning Authority prior to the commencement of the development. For the purpose of this permission, Freehold Serviced Employment Land means land that has the benefit of a junction to Bagley Road built to an adoptable standard and which extends into the site at least as far as the turning head indicated in the southwest corner of the site on drawing CD926 SP 10 and that has been cleared and levelled ready for development and has adequate mains electricity/water/surface water drainage and foul drainage available to it at no cost unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the employment land is provided in accordance with the permission, in the interests of facilitating the economic development of the site, in accordance with Planning Policy Statement 1.

4. The Freehold Serviced Employment Land required by condition (3) shall be marketed at market value in accordance with a marketing scheme that shall be agreed in writing by the Local Planning Authority prior to the commencement of the development of the Freehold Serviced Employment Land.

Reason: To ensure that the land is provided at an appropriate tenure to meet the identified needs, in accordance with Planning Policy Statement 1.

5. Noise from any part of the premises or land to which this permission refers shall not exceed background levels by more than 5 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the façade of any residential or noise sensitive boundary.

Monday-Friday 0800-1800  
Saturday 0800-1300

At all other times including Sundays and Public Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, e.g. hum, drone, whine, etc. Shall not exceed background levels at any time,

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<sup>th</sup> percentile level measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: To protect residents of the development and existing residents from noise, in accordance with Policy S1 of the Taunton Deane Local Plan.

6. No dwellings shall be occupied until the pedestrian/cycle link has been formed from the site to Blackdown Road, as indicated in drawing 19683/001/010 and in accordance with further details that shall be submitted and approved in respect of condition (1).

Reason: To ensure that adequate facilities are available for pedestrians to access the site, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

7. No other development shall take place until the works to the public highway indicated in Drawings 19683/001/002 revision C and 19683/001/004 revision A submitted as part of the Transport Assessment have been completed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate and safe access is provided to the site, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy S1 of the Taunton Deane Local Plan and advice contained in Planning Policy Guidance note 13.

8. Prior to the occupation of any dwellings hereby permitted, a removable obstruction shall be installed and thereafter retained as such on the link between the development and Blackdown Road that can only be removed by the emergency services, such that access to the general public is only available via foot or cycle, in accordance with details that shall be submitted in accordance with condition (1).

Reason: To ensure that the link cannot be used as a vehicular access for the general public in the interests of highway safety and the amenities of the residents of Blackdown Road, in accordance with Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

9. The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details that shall have been submitted to and agreed in writing before their construction begins, or as part of the details submitted in accordance with condition 1. For this purpose the details shall include plans and sections, indicating as appropriate the design, levels gradients, materials and method of construction.

Reason: To ensure that suitable facilities exist for people likely to be attracted to the site, in accordance with Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

10. The proposed estate roads, including footpaths and turning spaces where applicable shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing public highway.

Reason: To ensure that suitable facilities exist for people likely to be attracted to the site, in accordance with Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

11. Prior to the commencement of the development hereby permitted, full details of the treatment of the boundary between the site and Rylands Industrial Estate to the south and west shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to any development (except site clearance) taking place and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the security of the neighbouring industrial estate, in accordance with Policy S1 of the Taunton Deane Local Plan.

12. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Sunflower Ecological Consultancy's submitted report, dated October 2008 and up to date surveys and include:

- a. Details of protective measures to include method statements to avoid impacts on slow worms during all stages of development;
- b. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance;
- c. Measures for the enhancement of places of rest for wildlife.

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

Reason: To protect wildlife and their habitats from damage and to enhance the wildlife potential of the site, in accordance with Planning Policy Statement 9.

13. No development hereby permitted shall take place until a surface water run-off limitation scheme has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site.



The approved scheme shall be implemented in accordance with the agreed programme and details.

Reason: In the interests of the preventing an increase in off-site flooding in accordance with Planning Policy Statement 25.

14. No development other than the demolition of the existing buildings and site clearance, or that required to be carried out as part of an approved scheme of remediation, shall commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

(a) Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the

land after remediation.

#### (c) Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### (d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 01, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 02, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 03.

#### (e) Long Term Monitoring and Maintenance

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

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies S1 and EN32 of the Taunton Deane Local Plan.

15. At least 10% of the energy supply of the development shall be secured from

decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site shall be submitted to and approved in writing as part of the reserved matters submission required by condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the environmental impact of the development, in accordance with Policy RE5 of the Draft Regional Spatial Strategy for the South West.

16. No development shall commence until the hedges and trees indicated as to be retained on plans submitted in accordance with condition (1) have been protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge or tree canopy and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health, in accordance with Policies EN6 and EN8 of the Taunton Deane Local Plan.

17. The development shall provide public open space and a children's play area in accordance with details that shall be submitted in respect of condition (1). The areas shall be laid out prior to the occupation of 50% of the dwellings hereby permitted and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development provides adequate access to recreation and play facilities in accordance with Policy C4 of the Taunton Deane Local Plan.

18. Prior to its installation, details of any street lighting or any exterior lighting to be installed around the industrial buildings shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the type of lighting, its position and hours of operation. The lighting shall be installed in accordance with the agreed details and the agreed hours of operation shall thereafter be strictly adhered to.

Reason: To prevent light pollution and disturbance to nearby residents in accordance with Policy S1 of the Taunton Deane Local Plan.

19. The hours of working on site during construction shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays and no working shall take place on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The term 'working' shall for the purposes of clarification of this condition include: the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant/machinery, deliveries to the site and movement of vehicles within the site.

Reason: In the interests of protecting the amenities of nearby residents by reason of undue noise, in accordance with Policy S1 of the Taunton Deane Local

Plan.

**Informative notes:**

1. It is expected that the development will be laid out in accordance with drawing CD926 SP 10 received 19.10.2009, which indicates the means of access hereby approved and the layout principles for the development.
2. The marketing strategy required by condition (4) is expected to demonstrate how the employment sites will be marketed and sold to individual businesses rather than sold as an entity to a speculative developer.
3. Condition (12) relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation should be 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 permission) must comply with the appropriate legislation.
4. It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water disposal from this site, in order to reduce the rate of runoff and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:
  - (a) Interception and reuse
  - (b) Porous paving/surfaces
  - (c) Infiltration techniques
  - (d) Detention/attenuation
  - (e) Wetlands.A copy of the Agency's leaflet on Sustainable Drainage Systems is available on request.
5. Please note that the surface water drainage required by condition (13) scheme for the proposed development must meet the following criteria:
  - (a) Any outflow from the site must be limited to greenfield run-off
  - (b) The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
  - (c) If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing.
  - (d) Adoption and maintenance of the drainage system must be addressed and stated.Details of the proposed methods to meet these criteria should be submitted in due course for the Agency to recommend the relevant planning condition be discharged.

6. In the event that any new surface water discharges will be made direct to a watercourse, the sewer/pipe should terminate in a properly constructed outfall for which the separate consent of the Environment Agency may be required.
7. Any culverting of a watercourse requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. We resist culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.
8. There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
9. The Environment Agency would like the developer to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction.
10. In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at <http://www.netregs-swmco.uk> .

### **Reason for granting permission:**

The proposal provides for a mix of residential and employment development that helps to promote the self-containment of Rockwell Green and Wellington in accordance with Policy B of the emerging Regional Spatial Strategy. It provides a good, well considered use for the existing previously used site, which is within a reasonable walking distance of local schools, shops and bus services. It is considered to be a sustainable development that would have an acceptable impact upon the local highway network, wildlife, local schools and open space, in accordance with Policies SD1, SD3, CSS, D, H3, CS1, SK1 and GI7 of the emerging Regional Spatial Strategy, Policies S1, S2, EN3, M1, M2, M3, M4, C1 and C4 of the Taunton Deane Local Plan, Policies STR1, STR4, 1 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statements 1 and 3.

### **APPLICANT**

Strategic Land Partnerships.

### **THE SITE**

The site is located on the western side of Rockwell Green between Exeter Road leading into Wellington and the A38 relief road to the south. Access is gained from Bagley Road to the west.

The site currently comprises a disused plant nursery, two dwellings and a large

garden/orchard area associated with one of the dwellings (Sunnymeade). The majority of the site is covered with disused glass houses that once formed the nursery and to the north are the existing residential areas, vehicular access and processing sheds.

To the north, the site borders existing residential development. This stretches along the northern boundary and wraps around the northeast corner of the site. However, most of the eastern boundary is open to green fields, which are designated in the Taunton Deane Local Plan as the Green Wedge between Rockwell Green and Wellington. The northern and eastern boundaries are formed with hedges and there is some banking adjoining the residential properties of Blackdown Road.

To the south, the site borders Rylands Industrial Estate, a low-key mix of industrial units providing a range of B1, B2 and B8 uses. The boundary with this site is mainly a block wall, around 1.8 – 2 metres in height. The neighbouring industrial estate continues along the southern end of the western site boundary, at its southern end, where the boundary is formed with a post and wire fence. To the north of this, is the detached residential property of Rylands Farmhouse. Boundaries with this property are generally poorly defined. To the north of Rylands farmhouse, the application site widens out to border Bagley Road, where the boundary is formed of a hedge as far as the existing vehicular access, and a wall thereafter.

## **PROPOSAL**

This application seeks outline planning permission for the erection of 113 dwellings and around 3100 square metres of employment land, plus public open space. Approval is sought for access at this stage, with all other matters reserved.

An initial version of the site layout was presented to the Southwest Design Review Panel, operated by CABE in association with 'Creating Excellence'. The panel queried the rationale for providing employment on the site, but strongly encouraged the use of 'homezones' and a layout that was not dominated by cars. They made suggestions about using the existing 'orchard' area in the northeast corner as a focus for public open space. Accordingly, the indicative layout was radically revised and has been subject to further public consultation. The following summarises the amended scheme, now under consideration.

The proposal places residential uses to the north of the site, adjoining the existing residential properties, with the employment land to the south, adjoining the existing industrial estate. It is proposed to provide employment land as freehold serviced plots, which can be purchased by a business to develop the site and buildings to serve their own needs. Uses are to be limited to B1 (non-office) and B8.

Vehicular access is proposed to be gained from Bagley Road, with a new junction into the residential part of the site to the north. To the south, Bagley Road would be realigned, so that the main carriageway would extend into the site. A new 'T-junction' would be formed with the through road at this point. Alterations are also proposed to the junction of Bagley Road with Exeter Road, involving a narrowing and realignment of the junction. An additional pedestrian access is proposed in the northeast corner of the site, providing a pedestrian link to Rockwell Green and Wellington via Blackdown Road.

Although the application is only made in outline, a good indication of the future site

layout has been provided. It is proposed that the residential area is laid out along 'home-zone' principles, where the highway layout is such that high traffic speeds are not possible. The majority of dwellings would front a proposed loop road, with a secondary road cutting across the loop to service parking areas and a handful of other dwellings. Linked from the loop road, a number of courtyards would be provided with additional dwellings served from these areas. Dwellings would be provided fronting Bagley Road, set behind a footpath, which would extend to Exeter Road. Public open space would be provided along the eastern site boundary, adjoining the agricultural fields within the Green Wedge.

The application is accompanied by an Archaeological Report, indicating that there are no implications; an Ecological Report noting the poor ecological potential of the existing site, with the general exception of the Eastern Boundary Hedge; a Transport Assessment that considers there are no significant highway constraints, but makes recommendations for improvements; a Travel Plan for encouraging walking and cycling and the use of public transport; a Noise Assessment finding that the existing industrial estate is the only constraint; a Flood Risk Assessment (FRA) considering that a reduction in run-off may be achievable (the site is not in a flood zone so the FRA only deals with the proposed drainage strategy); a Geo-Environmental Assessment finding that there is some localised ground contamination, requiring remediation.

## **RELEVANT PLANNING HISTORY**

The site is a former plant nursery, which grew in a piecemeal manner through the 20<sup>th</sup> Century. It was established in the 1920s and significantly expanded during the 1960s, 70s and 80s. However, according to the applicant, the reorganisation of the industry saw contracts favouring larger businesses and ultimately the transfer of most trade overseas. It is submitted by the applicant, therefore that this type of business is unlikely to be viable on this site.

There has been no recent planning history in terms of planning applications. The Strategic Housing Land Availability Assessment (SHLAA), a background document informing the Local Development Framework (LDF) has considered that the site may be suitable for a mixed residential/employment use.

## **RELEVANT PLANNING POLICIES**

The following is an indication of the relevant planning policies. Summaries are provided of the relevant text from each policy, but does not cover every single point raised within those policies.

The Development Plan currently comprises Regional Planning Guidance 10 (RPG10), the Somerset and Exmoor National Park Joint Structure Plan Review and the Taunton Deane Local Plan. RPG10 is in the process of being superseded by the Regional Spatial Strategy (RSS). Following public examination, the draft RSS is considered to be at an advanced stage. On the advice of the Government Office for the South West, it carries significant weight. Therefore, it is considered that its policies are more significant to the consideration of this application than those of RPG10 and the relevant RSS policies are outlined below.

**Draft Regional Spatial Strategy** (incorporating the Secretary of State's proposed

changes following the Panel Report).

**SD1 – The Ecological Footprint** – Requires the wise use of natural resources and a reduction in the consumption of key resources such as energy, water and minerals. Advocates encouraging sustainable construction and design and minimising the need to travel.

**SD2 – Climate Change** – Sets targets for reducing the region’s contribution to climate change.

**SD3 – The Environment and Natural Resources** – Seeks protection and enhancement of the regions environment and natural resources by ensuring that development respects the landscape and ecological thresholds of settlements, reduces environmental impact.

**SD4 – Sustainable Communities** – Growth should seek to create and maintain Sustainable Communities by linking the provision of homes, jobs and services so that towns have the ability to become more self contained. Adequate provision should be made for affordable housing including a mixture of different housing types to accommodate the requirements of local communities. Development should make the best use of existing infrastructure, should invest and upgrade existing cultural facilities, create healthy, safe and secure places to live, provide adaptable homes, provide networks of accessible green space for people to enjoy and support social and economic progress by enhancing education, skills development and training.

**CSS – The Core Spatial Strategy** – Provision will be made to meet identified housing and community needs, improve connectivity, accessibility and the functional efficiency of places, enhance economic prosperity within environmental limits. Growth should be accommodated and managed in the most sustainable way. Most development should be located at Strategically Significant cities and Towns (SSCTs), which include Taunton, with more limited development at market and coastal towns and in small towns and villages – such as Wellington – where this would increase self-containment and promote stronger communities. The rate of growth of road traffic should be reduced.

**Development Policy B – Development at Market and Coastal Towns** – At Market and Coastal Towns that meet the following criteria:

11. There is an existing concentration of business and employment and realistic potential for employment opportunities to be enhanced,
  - There are shopping, cultural, faith, education ,health and public services that meet the needs of the settlement and the surrounding area,
  - There are sustainable transport modes that can be maintained or developed to meet identified community needs in the settlement and the surrounding area

Provision will be made for housing, employment, shopping and other services that increase their self containment and enhance their roles as service centres.

Supporting text indicates that the RSS intends that towns such as Wellington should be focal points for locally significant development including provision for the bulk of district housing provision outside the SSCTs.

**Development Policy D – Infrastructure** – Development should ensure efficient and



effective use of existing infrastructure and should provide for the delivery of new or improved transport, education, health, culture, sport and recreation and green infrastructure.

**Development Policy E – High Quality Design** – All development should deliver the highest possible standards of design, both in terms of urban form and sustainability criteria.

**Development Policy F – Planning and delivery of major development** – Major developments should be planned on a comprehensive and integrated basis to ensure that they contribute to the delivery of sustainable communities and a high quality of life by providing for high standards of design and access, the lowest practicable levels of energy and car use, public transport, cultural, leisure, retail, health care, education and other services and facilities, sustainable transport links between urban extensions and city/town centres with an emphasis on public transport, cycling and walking, amenity space and green infrastructure that meets community needs and supports improved biodiversity, and a range of housing types and tenures.

**H1 – Housing Affordability** – 35% of new dwellings across the Local Authority and Housing Market area should be affordable housing.

**H2 – Housing Densities** – Local Authorities should aim to achieve a target net density of 40 dwellings per hectare (dph) across all new housing.

**Policies** such as **H3**, **CS1**, **SK1** and **GI1** require the Council to ensure that an appropriate mix of housing is provided along with services and community infrastructure, education and skills and green infrastructure.

**RE5 – Decentralised Energy to Supply New Development** – At least 10% of the energy to be used in new development of more than 10 dwellings should come from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.

**ES1 – Sustainable Economic Prosperity** – Investment should be guided to locations where it will have maximum benefit and reduce the need to travel. A range and choice of appropriate sites and premises to meet business need, including a quota of smaller sites for micro, small and medium sized enterprises to cater for both organic growth and inward investment should be provided.

**ESS2 – Providing for Employment Land and Premises** – A 20 year supply of employment land should be provided to support a better balance between the location of jobs and housing, the development of more accommodation for smaller businesses, including smaller units and the contribution of mixed-use developments to employment supply.

### **Somerset and Exmoor National Park Joint Structure Plan Review**

**Policy STR1 – Sustainable Development** – Development should be of high quality, good design and reflect local distinctiveness; develop a pattern of land use and transport which minimises the length of journeys and the need to travel and

maximises the potential for the use of public transport, cycling and walking; minimise the use of non renewable resources; give priority to the continued use of previously developed land and buildings.

**Policy STR2 – Towns** – Towns such as Wellington will function as locations for employment and shopping, cultural, community and education services and residential use.

**Policy STR4 – Development in Towns** – New development should be focussed on the Towns where provision for such development should be made in accordance with their role and function. Priority should be given to the re-use of previously developed land and to the encouragement of mixed use development.

**Policy 1 – Nature Conservation** – Biodiversity should be maintained and enhanced.

**Policy 39 – Transport and Development** – Proposals for development should be considered having regard to the management of demand for transport, achieving a shift in transport modes to alternatives to the private car and lorry wherever possible, and the need for improvements to transport infrastructure.

**Policies 42, 43, 44 and 45** – Seek the improvement of access facilities for pedestrians, people with disabilities, cycling and busses.

**Policy 48 – Access and Parking** – Developments which generate significant transport movements should be located where provision may be made for access by walking, cycling and public transport.

**Policy 49 – Transport requirements of new development** – Proposals should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to enable development to proceed. In particular development should provide access for pedestrians, people with disabilities, cyclists and public transport, provide and provide safe access to roads of an adequate standard.

## **Taunton Deane Local Plan**

**S1 – General Requirements** – Proposals for development, taking account of any mitigation measures proposed, must be acceptable in terms of road safety, access by public transport, cycling and pedestrians, wildlife, landscapes and existing buildings, pollution, public health, safety and amenity, potential ground stability and utility services.

**S2 – Design** – Development must be of a good design with regard to local character and distinctiveness, landscape setting, environmental impact, nature conservation, the minimisation of waste, the reduction of crime, the encouragement of recycling, the effective use of the site, the incorporation of public art and energy efficiency.

**H9 – Affordable Housing** – On suitable housing sites, the provision of affordable dwellings will be sought where (in Wellington) the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings. In assessing the level of provision on

individual sites regard will be paid to the need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability.

**EC1** – Business, industrial and warehousing development will be permitted within the defined limits of settlements, provided that large-scale office development will only be permitted within the settlement limits of Taunton and Wellington and in the case of industrial or warehousing proposals where freight movements are likely to be high, safe access to the national or county road network is provided.

**EC9 – Loss of Employment Land** – Proposals which lead to the loss of existing business etc. land will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment on the site.

**M1, M2 and M3 – Non-residential developments (transport and access)** – Non-residential developments will be permitted provided that they cater safely for the expected number of trips generated, provide cycle, pedestrian and public transport facilities and cater for people with impaired mobility, adhere to maximum parking standards.

**M4 – Residential developments (transport and access)** – In order to promote sustainable travel, and to reduce the amount of land taken for development, the need for residential car parking will be assessed against the impact on urban design, the location of the development and the type and mix of the proposed dwellings. No more than an average of 1.5 car parking spaces will be permitted on any residential development. All residential developments will be required to make provision for the parking and storage of bicycles.

**C1 – Education Provision for New Housing** – New housing development which generates a significant need for statutory education provision will be permitted provided that the existing statutory education provision within reasonable distance of the development has sufficient spare capacity to meet the additional need generated by the development or new permanent provision within a reasonable distance is firmly programmed in the Local Education Authority capital programme or provided by the development.

**C4 – Provision of open space** – In the event of the increased demand for open space not being met by existing facilities, developers of new housing will provide landscaped and appropriately equipped recreational open space. Where the site is too small for the provision of playing fields or children’s play space on-site or where it is physically unsuitable, off-site provision will be sought and developers will be required to arrange for maintenance of the recreational open space.

**EN13 – Green Wedges** – Development which would harm the open character of green wedges will not be permitted.

**W1 – Wellington** – Wellington is defined to include the associated settlements of Rockwell Green and Westford.

## **RELEVANT CENTRAL GOVERNMENT GUIDANCE**

**Planning Policy Statement 1: Delivering Sustainable Development – Places**

sustainable development as the core principle underpinning planning. In particular, suitable land should be available for development; the natural environment, character of settlements and the countryside should be provided; development should be of a high quality through good and inclusive design and the efficient use of resources; there should be good access to jobs and services within safe, sustainable, liveable and mixed communities. The PPS outlines the 'plan-led' system and that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.

Development should seek to reduce the need to travel, promote the efficient use of land, enhance biodiversity and address the causes and impacts of climate change. Good design ensures attractive usable, durable and adaptable places and is key to achieving sustainable development. Good design should address the connections between people and places by considering the needs of people to access jobs and services, be integrated into the existing urban form and natural and built environments.

**Planning Policy Statement: Planning and Climate Change – Supplement to PPS1** – Outlines the role that planning has to play in reducing the impact of development on the environment. Notes the importance of good design and building layout in achieving this, as well as the provision of good quality open space, the use of sustainable drainage systems and the generation of renewable energy from decentralised sources.

**Planning Policy Statement 3: Housing** – Notes that good design is fundamental to the quality of new housing including the extent to which the proposed development is easily accessible and well-connected to public transport and community facilities and services, is well laid out so that all the space is used efficiently, provides good access to community and green spaces (including recreation), is well integrated with neighbouring developments, takes a design-led approach to the provision of car-parking that is well integrated within a high quality public realm, creates a distinctive character, and provides for the retention or re-establishment of biodiversity.

Developments should create balanced mixed communities, with a variety of tenures, including affordable housing. Authorities should strive to achieve high quality housing that reflects the requirements of specific groups, in particular, families and older people, the suitability of a site for housing and ensuring that development meets the Government's objectives for housing.

The PPS goes on to explain how authorities must ensure that there is an adequate supply of land for housing and that, where this does not exist, they should consider applications for housing favourably. Where land comes forward that is not yet in the up-to-date five year supply, it must be considered whether granting permission would undermine achievement of their policy objectives. Applications should not be refused solely on the grounds of prematurity.

**Planning Policy Statement 9: Biodiversity and Geological Conservation** – Encourages the consideration of biodiversity in all decisions and suggests that development should seek to enhance the biodiversity of sites.

**Planning Policy Guidance note 13: Transport** – Encourages the use of public transport and promotes cycling and walking. It Sets out the Government's policy on

transport.

**Planning Policy Statement 25: Development and Flood Risk** – Explains that development should be steered away from areas at risk of flooding. In non-flood risk areas (such as the application site), development should seek to minimise the impact of potential flooding elsewhere through not increasing the amount of water discharged from the site. Therefore, sustainable drainage systems should be employed to adequately dispose of surface water.

## **CONSULTATIONS**

The following summary of consultation responses amalgamates initial comments and those received in respect of the amended layout plans.

**TDBC Economic Development Manager And Strategy Team** – Economic development and the strategy team are happy to support in principle the development of a mixed use site on the basis that the number of dwellings is limited to facilitating this site being brought forward and for employment uses limited to B1 (non-office) and B8. Any proposal to develop B1 office uses would be resisted as detrimental to the future vibrancy of the town centre and no demonstration of local need being submitted. We would also require an element of freehold plots for smaller units.

**TDBC Landscape Officer** – There is no detailed tree survey or assessment. Several of the trees within the farm garden area look as if they have wider amenity value.

The eastern boundary hedgerow needs strengthening to provide a better rural buffer. Private ownership of hedgerows, as is proposed, normally leads to a weakening of its structure. I recommend it be kept in 'public' ownership.

There is no landscape assessment or analysis of the site and its context.

The Bagley Road boundary should have a more rural character to mirror the native hedgerow opposite.

The open space provision needs to have much clearer function. I would prefer to see it more central to the site or possibly linked to the eastern boundary with additional tree planting to show a softer edge to the development.

**TDBC Housing Enabling Manager** – I would be looking for 40% affordable housing on this site which should include a mixed tenure of Social Rented, Rent to Home Buy and low cost/discounted housing. This housing should affect the future market conditions.

The development of affordable housing should include all house/flat sizes to include 2, 3 and 4 bedroom houses. One and two bedroom flats and accommodation suitable for persons with a disability.

**TDBC Environmental Health** – Recommends conditions that further contaminated land assessment is undertaken and that unexpected contamination is reported and

mitigated against. Also recommends a condition to limit the noise emissions from any part of the proposed industrial premises.

**TDBC Leisure Development Team** – The development is not well related to the existing community facilities in Rockwell Green – village hall, playing field, school etc.

Provision of play and active recreation must be made in accordance with TDLP Policy C4. If the development consists entirely of family dwellings then 2,260 square metres of children's play must be provided. In any event all children's play provision must be on site and be well located to allow informal supervision from surrounding houses and streets whilst not creating a noise nuisance. The full age range must be catered for from young children through to teenagers.

Provision for outdoor sport is not feasible on this site, so an off site contribution of £1,023 per dwelling (index linked) is required towards improving or extending facilities for active recreation and playing fields in the locality.

A contribution per dwelling in accordance with the Policy for Provision of Community Halls in Taunton Deane is also required of £831 per dwelling.

The location of the open space is much better in the revised proposal, but there are concerns that the extreme southern end, where it narrows, may create an area that has no surveillance and could cause problems of the adjacent residents.

**TDBC Drainage Officer** – The FRA makes a couple of references to works carried out by TDBC, but this is unlikely. It most likely relates to work carried out by SCC Highways and the FRA should be amended accordingly.

The Ownership of the existing culverted watercourse and ditches adjacent to the development site I believe are in the ownership of either SCC or the site. Ownership of the existing system will need to be established before any works commence on site.

With regard to the formal adoption of soakaways and attenuation systems in parking areas these are not routinely adopted by TDBC. The applicant should contact the Council's Leisure Development team for their comments. It is assumed that apart from all soakaways serving individual properties, that any other disposal/attenuation systems will be adopted by either Wessex Water or Somerset County Council (Highways).

Whilst accepting the SUDS proposals indicated in principle, the long term ownership, operations and maintenance strategy will have to be submitted and approved before any works commence on site and that this should be a condition of any approval given.

**TDBC Diversions Order Officer** – no observations to make on this application.

**TDBC Nature Conservation And Reserves Officer** – Agrees with the surveyor that the hedge on the eastern boundary of the site, along with the oak tree provides nesting habitat and so should be retained. If the landscape officer agrees that the other trees are unworthy of retention, they should be checked for wildlife before removal.

The surveyor does not consider that any of the buildings on site were attractive for bats. However, the oak tree on the eastern boundary could contain roosting opportunities. Lighting issues adjacent to the tree should be carefully considered at detail stage.

There was no standing water on site that could be attractive to frogs, toads or newts. The surveyor concedes that slow worms could be present adjacent to the greenhouses or under areas of black membrane plastic. A destructive search should be undertaken when clearing the area.

Recommends that wildlife should be protected and accommodated in the development and recommends a condition to secure this through the submission of a wildlife strategy.

**SCC Transport And Development Group** – The site is situated adjacent to the development limits of Rockwell Green. The current site has its access via the classified unnumbered road Bagley Road. The site is close to Rockwell Green, which has local shopping facilities and a primary school and is approximately 1.1 kilometres from Courtfields Secondary School. It is therefore in transport terms a relatively sustainable location.

In order to provide suitable access to the residential and commercial sections of the site the developer proposes improvements to Bagley Road in the form of road widening, provision of footways and a change of priority. These are shown in drawing number 1963/01/002 Revision C. These are generally acceptable. Final detailed designs will form part of the requirements for a Section 106 Agreement, which will be necessary in this case.

The developer also proposes an emergency pedestrian cycle access onto Blackdown Road. This will provide a quick and safe route to the facilities in Rockwell Green. In addition, works are proposed at the junction of Bagley Road with Exeter Road in the form of a readjustment of kerb lines to reduce carriageway width in the bellmouth. This will improve pedestrian safety and new bus stops and pedestrian crossing facilities will also be provided. The County Council is independently considering a similar scheme at the junction so these proposals are welcome. The details, however, differ so a combination of the two schemes is likely to be appropriate. Detailed designs can be agreed during the Section 106 Agreement process.

The applicants have produced a travel plan for the site. This will need to be included in the Section 106 Agreement and be approved prior to the commencement of the works on site. The Travel Plan will need to be implemented prior to the occupation of any dwelling or any part of the employment land. As part of the Travel Planning and Sustainable Transport Infrastructure, a Green Travel Voucher of £300 per dwelling for a maximum of three different tenures will be required from the development. This will need to be included in the Section 106 Agreement.

In respect of the internal layout, it is generally a good overall concept which will work well. However, there are a number of items which need to be discussed in more detail if this layout were to be put forward under reserved matters. It has been suggested that the crescent in the northwest corner could be fronted by a

pedestrian/cycle only link, running through from Blackdown Road to the 'square'. This would mean that the garages at the square end would need to be turned around and then accessed off the back court, but this does not seem to cause a problem. Narrowing down the link will also give the ability to shift the whole housing block to the north east, which will give the ability to widen the northern access/egress onto that square slightly – there is no objection to the narrowing in principle, but it may be just a little too narrow.

We will need to look at the provision of parking, whether it is allocated or informal visitor and the details around the levels drainage and adoption of it etc.

Any planting within the highway limits, especially street trees, I would expect to be included within the Section 106 agreement, if they are considered to be fundamental to the scheme. This usually means that they are licensed to the district as part of the landscaping/public open space scheme, albeit with a commuted sum. We will need to look at visibility requirements in detail. There may be a better arrangement for the parking/access of the square to the southeast corner. It is imagined that the parking courts will remain private, but they need to be built to an appropriate, i.e. adoptable standard to achieve an exemption from the Advance Payments Code. The Highway Authority would not want to adopt them. The industrial estate road will need widening on the bend.

There is significant potential to encourage cycling from any new development on this site. Rockwell Green and Courtfields schools are both within easy cycling distance. There is also potential to upgrade existing rights of way from the end of Northside Road across to the leisure centre on Station road. This route would also facilitate movement between the new development and Tonedale, which has quite a lot of business in the area.

We should be aiming to get cycling facilities from the development to Exeter Road, then along Exeter Road to Popes Lane. Facilities should be linked into the existing cycling facilities on Exeter Road (parallel to Hilly head). The area around Mantle Street is more challenging as it is narrow, but as this would be the main route to the secondary school and town centre, we should be looking to provide for people making this short journey.

In conclusion, there is no highway objection in principle to the proposed development, subject to the applicants entering into a Section 106 Agreement to provide for the design construction and funding of the highway works described above, prior to the occupation of any dwelling or commercial unit; and the preparation, approval, implementation and monitoring of a Travel Plan for both residential and commercial areas of the site to include the Green Travel Voucher contribution. The pedestrian link to Blackdown Road must be secured, and conditions should be imposed to secure all estate road details.

**SCC Education** – Writes to express concern that the local catchment primary and secondary schools would not have sufficient capacity to accommodate additional pupils from households moving into the scheme. Therefore, requests that any grant of planning permission is conditional upon a planning obligation being entered into in respect of financial contributions towards education provision, in accordance with Policy C1 of the Taunton Deane Local Plan.



On the County Council's normal expectation that there will be demand for 30 additional primary school places from each 150 new dwellings, the development would be likely to generate the need for 23 places. Rockwell Green Primary School is the nearest school to the site and its catchment includes the proposed development. The School has a net capacity of 163 and whilst it currently has a roll of 151 pupils, this is forecast to increase to 168 by 2012 leaving insufficient capacity for additional places required for this development. The DCSF Basic Need Cost Multiplier for each primary school place is £12,257, so a financial contribution of £281,911 should be required from the developer to meet this need.

In respect of secondary education, 30 places are expected to be required for each 210 new dwellings, so the development could be expected to generate the need for about 16 secondary school places. The net capacity of Wellington Court Fields School is 860 and there are currently 838 students on roll. Whilst there is presently some capacity in the school, the combined impact of several other developments in Wellington in the pipeline means that the School would be likely not to have adequate accommodation to meet all the need generated in addition to that by the present proposal. The Cost Multiplier for each secondary student place is £18,469, so an additional £295,504 should be sought to mitigate the impact of this development.

**Wellington Town Council** – Happy in principle to recommend approval for a development on the site and recommend that permission be granted subject to a further meeting/discussion with the planning department about the details of the application and for further involvement with the section 106 agreement discussion.

Subsequently confirmed that they felt the proposed heads of terms of the Section 106 agreement to be correct. They felt that improvements to village amenities in Rockwell Green should be stipulated rather than any contribution being restricted to village halls. It was felt that there was currently a chronic shortage of sports pitches in Wellington and members hoped that a contribution could be made to address this problem. Also, as most new residential developments contained their own play areas it was suggested that some thought be given to investing in the improvement of facilities at the Recreation Ground. The proposal would be likely to generate additional traffic and traffic calming measures were needed along Bagley Road to improve road safety. Taunton Deane had recently been doing some work on the future provision of allotment land and it was hoped that this development would be able to provide land to meet the need in Wellington.

**Environment Agency** – In light of additional information received 21<sup>st</sup> September 2009, no objection is raised to the development, subject to conditions and notes covering the following:

Flood Risk – Recommends a condition that No development should be commenced until a surface water run-off limitation scheme has been submitted and agreed. The details should clarify the intended future ownership and maintenance provision for all drainage works serving the site. Recommends notes surrounding surface water drainage, and details that must be covered in the drainage scheme. Also notes separate Environment Agency consenting requirements.

Land Contamination – The submitted report notes a number of potential ground contamination issues and concurs with the need for further investigation. There are shortcomings in the information submitted at present so a condition should be imposed to require further ground contamination assessment to be undertaken.

Also advises the applicant to consider waste reduction, reuse and recovery in preference to off-site incineration during construction.

**Devon And Somerset Fire And Rescue Service** – Notes that premises are to be demolished.

**Somerset Wildlife Trust** – (Note that these comments relate to the original submission, not the amended plan). The Trust is not satisfied that the development will deliver a net biodiversity gain in line with Planning Policy Statement 9. The site presently has limited value for wildlife, which could be greatly enhanced through appropriate provision of naturalistic green spaces, planting and site management. The Local Planning Authority has a statutory duty to have regard to the conservation of biodiversity whilst undertaking its function through the Natural Environment and Rural Communities (NERC) Act 2006 – for the purposes of the Act, conservation is taken to mean both protection and enhancement. Therefore, the Trust would strongly support Taunton Deane Borough Council in seeking suitable and proportionate habitat creation measures on site as part of the development, providing space for wildlife, and the valuable opportunity for residents to have access to nature on their doorstep. The Trust would particularly expect to see enhancements made to contribute towards targets of the Local Biodiversity Action Plan (LBAP). Habitat creation and enhancement opportunities exist within the site that would be simple to integrate into the site layout design; these could and should be explored by the applicant.

The mature tree on site which has been identified as having potential to support a bat roost should be surveyed for the presence of bats prior to the determination of this application. If bats are using the tree as a roost, and the wider site as a foraging area, the potential impacts arising through development of the site must be assessed, with or without mitigation, and given due consideration in the planning process. I would disagree with the statement made in the ecological survey that there are no bat issues at this site; this is for the Local Planning Authority to decide and they can only make this decision once they are in possession of relevant data. Not all bats are tolerant of lighting, and given the wide variety of bats resident within the Wellington area, it would be prudent to establish what, if any, species of bats are using the features of the proposed development site.

**Western Power Distribution** – Western Power Distribution have high and low voltage overhead lines and underground cables within the vicinity of the development and these may require deviating. A new ground mounted substation will be required to supply the development.

## **REPRESENTATIONS**

In total, 24 letters were received in respect of the original proposal. 12 of those letters either clarify that they raise no objection to the principle of the development but wish to comment on more detailed aspects, or read as though they are merely

providing a constructive comment. The main issues raised in these letters (where they are not covered by the specific 'objections' below) are:

- Most dwellings have at least two cars;
- One of the dwellings is very close to 'Elmbank' to the north and it would be desirable to re-site it.
- The trees between the new development and the existing dwellings are required to prevent the dwellings to the north being overlooked. Careful consideration should be given to the density of housing and the retention of existing trees.
- The use of 2 ½ storey dwellings are inappropriate for the area.
- There is inadequate provision for additional safe pedestrian access in the immediate area of the proposed development or Bagley Road in general;
- There appears to have been insufficient forethought to the trafficking problems that the development will create;
- Further development in Wellington will increase transport requirements – a railway station should be provided for Wellington.
- The development may prejudice adjoining land to the east. In light of the submitted statement that Wellington does not have sufficient allocations or potential allocations to supply sufficient residential and commercial development, the presence of this land is pertinent.
- A comprehensive approach is necessary to ensure that the development potential of both the current application site and others are achieved through efficient use of land.
- The access roads must be truly capable of delivering access to the adjoining land (to the east) without the need for additional works to this application site or ransom being exercised by the landowners. Advice should be sought from the Highway Authority to ensure that such development could subsequently occur.

In addition to the above 12 letters of specific OBJECTION have been received raising the following issues:

- Questions the need for more dwellings in Rockwell Green and feels that there seems to be an excessive amount of dwellings proposed. Notes that the site is outside the settlement limit and questions why the employment area is required as there are empty units at Rylands, Foxmoor Business Park and Chelston. It is felt that the site is within the greenbelt and should be refused and that the proposal will be the beginning of the end of the green wedge between Rockwell Green and Wellington.
- The site is not eco friendly as trees and a green area will be lost to provide 113 dwellings with no employment opportunities nearby;
- The footpath to Blackdown Road would lead to more disturbance, accidents, noise and pollution in this existing residential area. The additional traffic would be detrimental to road safety and children's safety. There are queries over why it is necessary to have an additional access through Blackdown Road and Popes Lane as Blackdown Road cannot cope with current traffic levels, let alone more.
- 38-42 Blackdown Road are accessed by a private drive and no single party has rights over it. Access for oil tankers is required as well as space for refuse collection. As such, there should be no obstruction to the private drive giving access to 40 and 42 Blackdown Road.
- In respect of the proposed works to Bagley Road, it is important to ensure that

Bagley Road is maintained as the principle road and access to the site is subservient – it forms a link between the A38 and Rockwell Green.

- The proposed industrial access should be moved at least 50m to the north where visibility splays could be incorporated and the width of Bagley Road is greater. There should be no more lorries parked on Bagley Road and the industrial access needs to be at least similar to Rylands Industrial Estate to prevent destruction of the hedgerows by lorries. Sufficient turning space must be allowed for the industrial development.
- Bagley Road is not wide enough for more traffic and there will be more traffic heading south down the A38. Bagley Road should have traffic calming introduced, such as a priority system introduced over the narrow section. Improvements are also required to the southern section of Bagley Road.
- Road improvements should be carried out prior to any other work starting on site.
- Does not feel that the 'orchard' area, which is currently grazed by sheep to the northeast of the site should be considered in the same terms as the remainder of the site, which has never been used for any form of development.
- Question whether the hedge to Bagley Road should be retained so that the houses do not front Bagley Road, retaining its character. It is felt that housing styles should be in keeping – e.g. red brick and not more than 2 storeys in height. It is questioned whether the density is too great.
- Question where visitors will park as residents will have at least one car per household
- Play spaces should be open and in view of the houses;
- The proposed 2 ½ storey buildings could overlook Rylands Farmhouse and the privacy of 28 Blackdown Road will be eroded;
- There are concerns regarding the security of Rylands Farmhouse and the Rylands Industrial estate – banking and a 2.4m high security fence should be provided. The area adjacent to Rylands Farmhouse should not be used for 'artic' parking as this will cause disturbance and overlooking of that property.
- There are concerned about light pollution from security lighting at the industrial premises and it is felt that industrial areas should not be floodlit outside working hours. A buffer zone should be provided around the industrial estate to reduce the impact on neighbouring dwellings. Industrial buildings should be green or grey to blend in and not corporate colours.
- There are insufficient parking facilities at the shop and Post Office in Rockwell Green.
- Restrictions to working hours should be placed on construction and on any B1 units.
- Surface water must be attenuated as the area is prone to flash flooding.

A petition of 54 names has been received to prevent any access to Blackdown Road during or after development including public footpath/cycle path or emergency vehicle access. The development of Dobree Park has led to increased vandalism, parking, noise at night, taxi activity and a fall in property values in Greenway Road due to the pedestrian access from that estate. The petition confirms it does not oppose the development as a whole, just the access to Blackdown Road.

In response to the amended plans a further 7 letters were received. The proposal has not changed significantly so all of the above points continue to apply. However, the following additional comments have been made:

- Feels that the amendments are a significant improvement. Pleased that more of the orchard area has been retained but more of the established trees should be retained.
- Presume that only the emergency services will be able to access the site from Blackdown Road.
- It would be preferable for the industrial estate access road to carry the secondary emergency access.
- Concerned that the emergency access should not become a regular vehicle access through future amendments and a covenant should be in place.
- There is greater landscaping around the industrial estate, but still no detail of the type of planting. No information is given regarding the boundary between the site and the existing industrial estate and further detail is required.
- The revised layout shows a 2.5 storey building overlooking the Ryelands Farmhouse garden, which would be inappropriate unless further planting and banking was proposed to the east.

## **PRINCIPAL ISSUES FOR CONSIDERATION**

- Does the proposed development accord with planning policy or are there other material considerations that weigh against the policy? Is it appropriate for the site at the present time? **Principle of development**
- A. Is the highway network capable of accommodating the increase in traffic that would result? Does the development provide a safe and convenient access for vehicles, pedestrians and cycles? **Highways**
  - B. Would the development be well designed on a coherent, safe and accessible layout? **Design and layout**
  - C. Would the development have an acceptable impact on neighbouring residential and industrial development? **Neighbours**
  - D. Does the proposed development make adequate provision of affordable housing? **Affordable housing**
  - E. Does the development provide for adequate education provision, leisure, play and community facilities? Are the proposed planning obligations and contributions appropriate? **Contributions and obligations**
  - F. Is the landscape impact of the development acceptable? Would the development be acceptable in terms of its impact on wildlife? **Landscape and wildlife**
  - G. Are adequate foul and surface water drainage measures incorporated into the proposal? **Drainage**
  - H. Is the development a sustainable one? **Sustainability**
  - I. **Principle of Development**

Rockwell Green is classified in the Taunton Deane Local Plan as an associated settlement to Wellington. As such, in planning policy terms, it is considered as part

of Wellington, having a strong functional link. The site is situated outside, but adjoining the settlement limit for Rockwell Green, and as such, the proposed development is currently contrary to adopted planning policy.

Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The acceptability of this proposal, therefore, depends upon whether there are material considerations that outweigh the conflict with the plan.

The draft Regional Spatial Strategy (RSS) for the south west identifies Taunton as a strategically significant town. As such, accounting for the Secretary of State's proposed modifications, the town should provide a further 18,000 dwellings in the period 2006–2026. It is accepted by the strategy team that there is not an adequate 5 year supply of housing land in the context of the emerging RSS for Taunton. Therefore, in accordance with PPS3, applications for development of non-allocated sites should be considered favourably. However, the RSS makes very clear that majority of new housing for Taunton Deane should be provided in Taunton, being a strategically significant town and growth point. Whilst there is likely to be a significant allocation for Wellington, the overall distribution across Wellington and the rural area has not yet been determined. Given the clarity given in the RSS regarding the distribution (that most new housing should be provided in Taunton) your officers do not accept that there is a shortfall of housing land in Wellington.

The Rylands Nursery site is currently covered by greenhouses and other ancillary structures. Visually, it is not an appealing site and is becoming increasingly prone to damage and vandalism. The applicants claim that it is unlikely to be brought back into economic use as a nursery, due to its limited size, aging infrastructure and poor orientation. This is accepted, so an alternative use for the site must be found, to prevent visual and physical decay and increased danger to public safety should the buildings be allowed to deteriorate. The site is some distance from Junction 26 of the M5, so redevelopment of the site for industrial/business use is unlikely to be viable, given the lower rents and values compared with alternative sites at Chelston. However, there is a general requirement in the Borough for small freehold employment sites that individual businesses can develop for their own needs. The application provides the opportunity for such sites that should help smaller-scale businesses to grow in their own premises. PPS3 and the RSS encourage mixed uses for urban extensions. The site sits between existing residential development to the north and existing industrial development to the south. It seems logical that a mixed of these uses should be provided across the site.

The Strategic Housing Land Availability Assessment (SHLAA) identifies future development sites for housing across the borough. In addition to sites at Longforth, Cades and Jurston Farms in Wellington, the SHLAA identifies the current application site as suitable for residential development. It seems likely, therefore, that it will be considered for allocation through the Local Development Framework (LDF). The South West Design Review Panel also commented on the suitability of the site for housing, given its proximity to existing facilities, services and bus routes. PPS3 indicates that planning applications on suitable sites should not be refused simply on the basis of prematurity, (being submitted ahead of the LDF) provided that they are sustainable (see below) and would not prejudice the future housing distribution strategy.

It is considered that the application site is well located in relation to the existing

urban form and surrounding uses. Although it is not a 'brownfield' site within the PPS3 definition (having a horticultural use), it is visually an intensively developed site, being covered in glass houses and concrete. The proposal would provide an alternative use for the redundant site, providing a mix of housing and much needed freehold employment land. In doing so, it would improve employment opportunities in the immediate area, improving the self containment of Rockwell Green specifically and the greater Wellington area in general, compliant with RSS development policy B. Although 113 dwellings is a significant number, it is not so great in the context of the RSS targets that it would prejudice the outcome of the overall distribution strategy for Taunton Deane to such an extent as to warrant refusal. Taking the SHLAA as an evidence base, it seems likely that the site could be allocated for development through the LDF and, in this context, it is not expedient to withhold permission at this time.

Taking the above considerations in the round, it is considered that the principle of the development is acceptable.

## **A. Highways**

The development would gain vehicular access from Bagley Road, with a pedestrian link provided into Blackdown Road. Works are proposed for improvements to Bagley Road in the form of road widening, provision of footways and change of priority, which will provide for suitable access to the residential and commercial sections of the development. The Highway Authority are satisfied that these works are acceptable.

The proposed realignment of Bagley Road will ensure that the priorities along Bagley Road will favour the industrial units. It will make it illogical for heavy vehicles to turn left out of the site and head down Bagley Road to the poorer junction at the south with the A38. Whilst driver behaviour cannot be guaranteed, it is considered that the proposal offered is the best solution. The alterations will also mean that vehicles travelling along Bagley Road will have to slow or stop to negotiate the new junction. This will have a traffic calming effect in terms of the through traffic.

The application is also proposing alterations to the junction of Bagley Road and Exeter Road in the form of a readjustment of kerb lines to reduce the carriageway width in the bellmouth of the junction. The Highway Authority believe that this will improve pedestrian safety and new bus stops and pedestrian crossing facilities will also be provided.

At the time of writing, the basic principles of the above alterations have been agreed although final details are still being prepared. Members will be updated at committee. The Highway Authority have requested that the details are subject to the Section 106 agreement, but this is not considered necessary, since all of the land required is identified within the application site. A Grampian condition preventing any development until the work has been carried out is considered to be suitable in this instance.

The pedestrian link to Blackdown Road will provide a quick and safe route to shops, community facilities and other amenities in Rockwell Green. Interestingly, the route is not significantly shorter than the alternative around Bagley Road and Exeter road for much of the site. However, it reflects the psychological desire line and would provide a significantly quieter, safer and more pleasant walking route. Feedback

from the South West Design Review Panel reiterated the importance of the route in providing good pedestrian access to the site.

The County Council have also suggested that improvements could be made to the strategic cycle network within the vicinity of the site. They have suggested that dedicated facilities could be provided along Exeter Road from Bagley Road to Popes Lane, but this would not reflect the natural desire line using the development via Blackdown Road. Their comments regarding enhancements to a link from the north of Rockwell Green to the Leisure Centre on Station Road are less well related to the development and it is felt that improvements could not be insisted upon. However, there may be scope for extending the existing cycle lane on Exeter Road (which currently starts opposite Hilly Head) to the traffic light controlled junction at Popes Lane. The County Council have been unable to provide specific comment on this matter at the time of writing this report, however the developer has agreed to make a contribution of £5000 towards the general improvements to the strategic cycle network in the vicinity. This is considered to be reasonable.

The Town Council and a number of local residents have suggested that traffic calming is required on Bagley Road. It not considered that the development would, by itself, require traffic calming to be provided given that the highway network is capable of accommodating the traffic. However, the development will alter the priority on Bagley Road that will provide some traffic calming effect and hopefully go some way to addressing the concerns.

Provided that the relevant links are formed and the highway improvements carried out, it is considered that the highway network is capable of accommodating the development and providing safe and convenient access to the site by a variety of modes of travel.

## **B. Design and Layout**

Although the application is only in outline, a detailed layout plan has been submitted. This gives a good indication of how the development can be laid out to accommodate the proposed development. The application proposes the use of 'homezones' where the highway layout is informal, dwellings have a close relationship with the street and the highway design is such that high traffic speeds are impossible.

It has been suggested that an informal loop road system would be constructed, with the majority of dwellings served directly from this road. Additional service roads would be provided within the loop to give access to parking and garaging facilities. Further courtyards would be provided on the edges of the site, to accommodate parking and to serve the dwellings. There would be a high proportion of on-street parking, which would further slow traffic speeds and reduce the need for car-dominated parking courts within the development.

In general, the proposed layout principles are sound and should produce a high-quality residential layout that favours the built form and pedestrian movement over highways.

The Design Review exercise indicated that the open space should be properly integrated into the development and that this should incorporate the existing open space and orchard area, allowing the retention of as many trees as possible.



Although this will be the subject of a detailed landscaping scheme at reserved matters stage, the indicative layout has been amended to account for this and provide a well integrated public space. A heavily planted area would provide an acoustic screen between the residential and industrial uses.

The development includes a significant amount of public open space. The indicative layout shows this in excess of the minimum required by the Leisure Development Team. Children's play facilities would also be provided on the site and this should be in the form of an integrated facility for 0-17 year old children rather than distinct provision of LEAPs and NEAPs accommodating different age groups. The applicant is in agreement with this approach and a commuted sum will be paid towards maintenance.

The Leisure Development Team has commented that the proposed location of the open space is good, although improvements could be made to its southern end. The final layout and treatment would be subject to a reserved matters application.

Local residents have raised some concern about the density of the proposed development and the proposal for 2 ½ storey dwellings. The density accords with government guidance and the policies of the RSS and is considered to be appropriate. The scale of dwellings is generally commensurate with those in the local area, and whilst 2 ½ storey dwellings are not common in Rockwell Green, they do exist in places and their successful integration into the development will depend on the detailed design and reserved matters submission.

Concern has also been raised about the colour of the industrial units. This would be subject to the detailed design proposals and any relevant reserved matters submissions.

### **C. Neighbours**

The main residential neighbours are to the north and northeast, although there is a further property (Rylands Farmhouse) to the southwest. The site is bordered to the south by an existing industrial estate.

The revised indicative layout suggests that the dwellings could easily be sited so that they are not overbearing and do not overlook existing dwellings, although a detailed assessment would be undertaken in consideration of a reserved matters application. Heavy planting would be provided around the existing dwelling, Rylands Farmhouse, which would help to screen it from the noise and disturbance associated with the proposed industrial access road.

The most contentious aspect is the formation of the link through to Blackdown Road. A large number of objections relate to this aspect, raising concerns about increased disturbance and potential for vandalism. It cannot be denied that the proposals will alter the characteristics of Blackdown Road, hitherto a quiet cul-de-sac. However, it is considered essential for the development to provide good, attractive pedestrian links to the centre of Rockwell Green and that this significantly outweighs any detriment that may be caused to the existing residents. The proposed access will be for pedestrians and emergency services only. Therefore, there should not be a significant impact in terms of additional vehicle movements and parking in the road. Access for the emergency services will be controlled by a removable bollard, so it would not be able to be 'abused' by the general public wishing to make a shortcut.

Concern has been raised by the neighbouring industrial estate that further development of the site could cause a security risk. This may be a valid concern, especially if no fencing is provided and the adjoining site is a long time being developed. It is, therefore considered reasonable to impose a condition requiring the agreement and implementation of boundary treatment along the southern boundaries.

With regard to these factors, and bearing in mind that the application is only in outline, it is considered that the proposed development would have an acceptable impact upon neighbouring residents and businesses.

#### **D. Affordable Housing**

The applicant has agreed to provide 30% of the development as affordable housing. It is considered that there are extraordinary development costs in terms of the site clearance, contamination remediation and alterations to the highway which justify this figure, slightly below the RSS target of 35%. The provision of serviced but undeveloped employment land is also likely to affect viability due to the low return but extensive outlay in terms of providing a wide road and services into the site.

The affordable housing would be provided so that two thirds would be social rented and one third would be rent-to-buy. Both would be managed by a registered social landlord. Despite her initial request for discount market housing, the Housing Enabling Manager is now happy with this proposed mix, which will contribute to the identified housing need for Wellington. As such, the provision of affordable housing is considered to be appropriate.

#### **E. Contributions and obligations**

Somerset County Council, as Local Education Authority, have commented that the development will result in the capacity of Rockwell Green Primary School being exceeded. As such, the developer has agreed to pay the requested contribution to fund improvements to capacity at the school. SCC also requested a contribution to Courtfields Secondary school, but examination of their response indicates that the development would not result in the school's capacity being exceeded. It is therefore considered that such a payment is unjustified and could not be insisted upon.

Occupiers of the development are likely to require larger scale sports/recreation facilities and playing pitches. There are a number of facilities within Wellington and Rockwell Green that would benefit from investment and improvement to facilities. Given the increase in use that would result from the development, payment is considered to be justified. The applicant has agreed to pay the Leisure Development Team's requested contribution of £1,023 per dwelling.

The development would also put pressure on existing community facilities and the village hall. Rockwell Green Village Hall has confirmed that there are areas that would benefit from investment to increase capacity and usability of the facilities. As such, the applicant has agreed to make a payment towards these improvements and the Leisure Development Manager considers that £30,000 should be sufficient to cover a significant proportion of their suggested works.

#### **F. Landscape and wildlife**

The site forms the western edge of built development for Rockwell Green and also borders the Green Wedge that separates Rockwell Green and Wellington to the east. Good integration into the landscape is, therefore, considered to be essential. However, it is equally important to ensure that the development has a good relationship with the public realm and, therefore, the removal of the hedgerow along Bagley Road is considered to be acceptable. This will allow a continuous footway to be provided along the highway edge and allow for the dwellings to relate well to the street. The hedge on the western side of Bagley Road would be retained, helping to soften the development against the surrounding countryside.

To the east, the site is open to agricultural fields, separated by only a mediocre hedgerow a few small trees and one larger oak tree. Indeed, the glass houses are readily visible when viewing the site from the east. This adjoining land is within the green wedge, and it is considered imperative that a 'soft' boundary is formed on this side of the development. The indicative layout proposes that the public open space and play facilities would be provided along the eastern side of the site. This will provide a good landscaped boundary to the Green Wedge and allow the boundary hedgerow to be retained in single public ownership, preserving its integrity. A hornbeam, subject to a Tree Preservation Order, in the northeast corner would be retained within the proposed public open space.

In terms of the wider landscape setting, the site is already covered with buildings and it is not considered that there would be a significant impact on the visual amenities of the area. Indeed, the development will allow the tidying of the site, and a general improvement in visual amenity.

The site has been shown to be of generally poor ecological interest, with the possible exception of the oak tree in the eastern boundary which could provide a suitable habitat for bats. The provision of the landscaped open space and further tree planting has the potential to enhance the ecological interest of the site, and this accords with PPS9. A detailed strategy for enhancement and long term maintenance of wildlife habitats should be required by condition.

## **G. Drainage**

The application proposes that foul drainage will be connected to the mains sewer. The flood risk assessment indicates that a variety of sustainable drainage measures will be introduced to mimic the existing run-off rates. There will be some use of infiltration and soakaways and some attenuation, such that the development should not produce an increase in flood-risk off site and may cause a reduction. This is welcomed, as comments have been received that there are localised flooding issues in Bagley Road.

The Environment Agency have considered that the proposal is acceptable, subject to a condition that a surface water run-off limitation scheme is submitted. As such, the proposed drainage methods are considered to be appropriate.

## **H. Sustainability**

Planning Policy Statement 1 and the RSS put sustainable development at the heart of the planning system. In general, development should not be allowed unless it can be shown to be 'sustainable', although the concept is difficult to define. The primary

considerations in this case are considered to be the energy efficiency of the development, its ability to function properly and provide a good sense of community in the short, medium and long term, supported by good estate design, and its ability to reduce reliance on the private car.

The applicant has confirmed that, in accordance with policy RE5 of the RSS, 10% of the energy used by the development will be generated from decentralised and renewable or low-carbon energy sources. This should be subject to a condition and details should be submitted with a reserved matters application. It is considered that this approach will reduce the carbon emissions from the development and reduce its reliance on remote energy sources, making it more sustainable in the long term.

The site is reasonably well related in respect of basic facilities. The primary and secondary schools are within walking distance, although the primary school is outside the target distances set in RPG10 they are not considered to be unreasonable to the point that would warrant the refusal of the application. The primary school is around 800m from the site, and the secondary school is around 1.1km. A food shop and post office are available under the RPG maximum distances of 600m and bus stops with an hourly service to Taunton within 400m. Accordingly, it is considered reasonably likely that people will walk to these basic facilities and consider that public transport is a realistic option. The provision of the pedestrian link to Blackdown Road is considered essential to encouraging walking from the site, along the natural desire lines to the local facilities.

The application is accompanied by a travel plan setting out measures to promote walking, cycling, car sharing and the use of public transport. The final details and measures for implementation would be secured through the Section 106 agreement, together with the provision of a green travel voucher to the value of £300 for each dwelling.

With regard to the above measures and factors, the proposal is considered to be sustainable development.

### **Other issues**

The submitted details indicate that the previous uses have led to some minor contamination. Detailed investigations have not been possible due to the extent of buildings and structures on the site. However, sufficient evidence is available that remediation can be undertaken. A condition should be imposed to ensure that full investigations and remediation is carried out.

A couple of submissions have been made stating that the proposal should not prejudice the development of adjoining land to the east, which may rely on the development for access. However, that adjoining land is within the designated Green Wedge, designated to prevent the coalescence of Rockwell Green and Wellington. As such, it is not considered strategically important to ensure that access to the east is allowed by the development and little weight should be attributed to these comments.

### **CONCLUSION**

The proposed development is considered to be a well conceived use for the existing disused nursery site. The development is considered to be suitable for residential

and light industrial development, having been identified as suitably available housing land in the SHLAA. The development of the site would benefit the visual amenities of the area and reclaim contaminated land, without prejudicing the overall distribution strategy that will be developed through the LDF. With the planned improvements and agreed contributions, the development would have an acceptable impact on the local highway network, schools and community facilities, whilst providing adequate leisure and recreation opportunities. There would be no unacceptable impact on other nearby property, the landscape or wildlife interests.

With regard to these factors, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

08/09/0010

GLENMILL HOMES

**ERECTION OF SINGLE STOREY DWELLING ON LAND TO THE NORTH OF THE FORMER MAIDENBROOK FARMHOUSE, CHEDDON FITZPAINE**

324611.126467

Full Planning Permission

---

**PROPOSAL**

The proposal is for the erection of a detached single storey dwelling with attached garage on land to the north of Maidenbrook Farmhouse, a Grade 2 listed building. The proposed building is in the form of an "L" shape and would provide 4 bed rooms, lounge and kitchen/dinning room. The eaves height would be 3m and the apex height 6m above ground level. There would be 3 roof lights on the south elevation and 2 on the north elevation. These would provide lighting to the ground floor lounge, hall and bathroom. The proposed materials were to be brick and tile but, following concerns on their compatibility with the listed farmhouse these would now be stone and clay tile. The access would be from the existing drive which gains access from the turning head of the internal access road. There is a listed pond to the north of the site and it is proposed to clear and reinstate this feature as part of the proposal.

**SITE DESCRIPTION AND HISTORY**

The site lies within the settlement limits of Taunton in the parish of Cheddon Fitzpaine to the north of the listed Maidenbrook Farmhouse and to the south of the main A3259 road that links Taunton and Monkton Heathfield. The western boundary comprises a hedgerow The building would be located in the western and southern portion of the site with the garden area being formed to the east. There is a listed pond to the north of the site.

08//01/0015 Conversion of farmhouse and outbuildings to form 7 residential units with associated site works at Maidenbrook Farm. Conditional Approval 05/05/2001

08/01/0016LB Division of main dwelling into two units, conversion and reconstruction of existing barns, stables and outbuildings to dwellings at Maidenbrook Farm. Conditional approval 04/03/2002

08/05/0012 Erection of 5 dwellings and garages at Tudor Park, Priorswood. Conditional approval 10/10/2005

08/05/0014 Erection of a dwelling on land to the west of Maidenbrook Farmhouse, Cheddon Fitzpaine. Permission refused 3/11/2005 and dismissed on appeal on 28/01/2006.

08/05/0022 Erection of higher roof and conversion of barn to dwelling at The waggon House, Tudor Park, Priorswood. Conditional approval 10/11/2005

08/2005/0034

Erection of dwelling and garage on domestic land to the north of Maidenbrook Farmhouse, Cheddon Fitzpaine refused on 28th January 2006 and dismissed on appeal.

INSPECTORS' COMMENTS FROM APPEAL -

Appeal Decisions APP/D33 151A105/l 194299, A105/1 194297 & A105/1 194562 preserve the special architectural character of the listed building and its setting, contrary to the advice in Planning Policy Guidance Note 15 Planning and the Historic Environment (PPG15) and in conflict with Policy EN16 of the Taunton Dean Local Plan (2004). I note that the Council considers that the proposal would require a new access that would be harmful to the character and setting of the listed building. However, the submitted drawings show access being gained from the existing access serving the parking area at the rear of The Tudor. While the layout shown on drawing 5403/3 9 does not reflect the alignment of the approved access shown on 5403/47, I am satisfied that a satisfactory means of access could be obtained by means of appropriate planning conditions, were I minded to allow the appeal. Under these circumstances I consider that in this respect the proposal would not conflict with either PPG15 or Policy EN16.

Appeal B: Dwelling to the north of the Listed Building . To the north of the listed building the appeal site is dominated by a line of substantial evergreen Leylandii trees set inside the pond that forms part of the boundary with the road. To the east, a row of coppiced elms separates the site from the pond, while the western boundary is a substantial hedgerow that formed the western side of the original entrance drive to the listed building. The site has planning permission for a double garage to serve The Tudor and accessed via the previously approved access. I saw that the mature boundary trees play an important part in acting as a transition zone between the development to the south of the road and the open countryside to the north. My attention was drawn to Condition 8 attached to the outline permission Ref.08/96/021, which required the provision of landscape buffers of between 5m and 12m in width along the A3259 boundary, and around the boundaries of the listed building and its curtilage. This reinforces my view that any diminution of the tree cover would significantly harm the character and appearance of the area.

The siting of the proposed house would necessitate the removal of the row of Leylandii to allow daylight into the kitchen and bedrooms 2 and 5 of the proposed house, since they cannot be sufficiently reduced in height or trimmed far enough back without seriously harming their vitality. Because of the size of the proposed house, the space remaining for replacement tree planting would be restricted, limiting the scale of trees that could be planted in relatively close proximity to the proposed house. Consequently, I consider that the proposed development would result in a loss of important landscape features that could not be overcome by subsequent planting. I therefore conclude that the proposed development would be detrimental to the landscape character of the area and thus contrary to Policy EN12.

The proposed house would be similar in design to The Gate House. It would have a double garage adjacent to the pond, a tall windowless southfacing façade and the windows of the principal rooms facing west towards the boundary hedgerow situated some 5m 7m away. To my mind, the scale of the proposed house in relation to the listed building and its insensitive siting in respect to the surrounding natural and historic features would result in it appearing as an incongruous intrusion into the setting of the listed building. Also, the resulting repetitive design of houses to the north of the listed building would result in the suburbanisation of its existing semi-rural setting. I therefore conclude that the proposed house would fail to preserve the setting of the listed building, contrary to the guidance in PPG15 and in conflict with Policy EN16.

## Appeal C: Access Road to the north of the Listed Building

The plans submitted in support of the application for full planning permission show a 5m wide roadway, with a further im strip indicated on either side but lying outside the application boundary. The proposed road would run west from the existing spur serving The Tudor and The Gate House and extend past the protected walnut tree, but at such a distance that the Council consider that it would not present a significant risk to its vitality. I have no reason to disagree with this view.

However, the scale of the proposed road and the visual impact of opening up of the view along it would radically transform the existing setting of the listed building and the character of the open area to the north and west of the listed building. There would also be a new crossing over the leet, with a reduction in the size of the pond to accommodate the greater width of the proposed road compared to the existing informal access way. To my mind these historic features are significant parts of the setting of the listed building and are closely integrated with the building itself.

Although the appellant argues that the surfacing and design of the road and associated works could be the subject of planning conditions requiring the submission and approval of such details, I consider that the impact of the proposed road would be of such fundamental significance to the setting of the listed building that full details of the proposal need to be considered in order to assess its impact, and not just the outline drawing that is before me. From the information provided I am not satisfied that the setting and character of the listed building would be preserved and therefore must conclude that the proposed development would conflict with the guidance in PP615 and with Policy EN16.

The appellant argued that access to the wedge of land to the west would enable residential development that would assist in meeting pressing housing needs in the area. However, the Council argued that adequate land had been allocated for residential development via the Local Plan process. Notwithstanding these divergent views, I consider any benefit arising from the relatively limited contribution towards meeting local need that the development of this awkwardly shaped piece of land would make would not be sufficient to outweigh the significant risk of harm to the setting of the listed building that I have identified above.

## Conclusions

The surroundings of Maidenbrook Farm have changed dramatically in recent years. However, the significant visual impact of these changes serves to highlight the importance of preserving what remains of the setting of the listed building and I have found that these three proposals fail to do so, for the reasons given above.

In addition, as a result of the piecemeal approach to the development of the area to the north and west of the listed building there are inconsistencies between the proposals, such as the conflict between the turning head on proposed road and layout of proposed dwelling to the north. The proposed road would also prevent adequate space being allocated in front of the approved garage extension to The Tudor to allow a vehicle to draw off the roadway to allow the garage door to be opened.



Appeal Decisions APP/D33 15/A105/1 194299, A105/1 194297 & A10511 194562  
To my mind, details such as these demonstrate the need for a comprehensive design for the area to the north and west of the listed building that adequately addresses the complex problems created by the listed building, nearby structures and existing landscape features, I have taken all other matters into consideration, including the Council's suggested conditions but, for the reasons given above, I conclude that the appeals should not succeed.

#### Formal Decisions

Appeal A: Ref: APP/D3315/A/05/1194299

I dismiss the appeal.

Appeal B: Ref: APPID3315/A/05/1194297

I dismiss the appeal.

Appeal C: Ref: APFID3315/A10511194562

I dismiss the appeal.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP - no objection subject to conditions including the provision of visibility splays of 4.5 x 22m in either direction at the junction with the estate road; no obstruction to visibility greater than 300mm within the splays

CHEDDON FITZPAINE PARISH COUNCIL - support the proposal as the building would be in keeping with the area; would finish off the development and enhance the visual amenity of the environment, including the reinstatement of the pond.

HERITAGE AND LANDSCAPE OFFICER - I am concerned regarding the impact of the development on the setting of the listed building.

NATURE CONSERVATION & RESERVES OFFICER - no objection subject to conditions for the provision of a strategy to protect and enhance the development for great crested newts; bats and nesting birds.

ENVIRONMENT AGENCY - no observations

CONSERVATION OFFICER -

#### General Comments

I acknowledge that, as submitted, the setting of the Listed Maidenbrook Farmhouse has already been compromised. This said, I am of the opinion that the proposal will only compound / exacerbate the situation.

It is regretted that the subject site has variously declined in appearance and former enclosure, such that I can understand why neighbours and other supportive representations perceive a new dwelling as a "solution" to an extant untidy and exposed area.

#### Specific Observations

A main criticism of the Local Planning Authority, to the previously appealed application (which was dismissed), was the fact that an historical evaluation of the site and the effects of any proposal on the setting of the Farmhouse had not been adequately provided. The accompanying submission by Sue Warren is therefore welcomed.

With respect, I cannot interpret I come to the same conclusions as the submitted

statements in relation to the 1837 Tithe Map (Appendix 1) i.e. the map reproduction is poor quality and I therefore cannot identify the stated elements / structures. The copy 1880 OS map (Appendix 2), is much clearer and the submitted comments / advice here, not disputed, with the exception of the assertion regarding paths to the west of the Farmhouse and the associated pond i.e. I cannot recognise / identify these.

Reference to the 1900 OS map is made in the text but a copy not submitted. This is needed in order to substantiate the assertion that the former domestic driveway to the west of the Farmhouse was indeed a C20 feature

It would be extremely helpful, if the 'conclusions arrived at, were presented in the form of a site plan, depicting the factually based, chronological development of the site. As noted above, this is not entirely clear from the submission.

'Conclusions' para 6: the statement here regarding the formal garden area of the late C19 is not entirely correct, as the formal garden area also extended to the north.

It is clear from the submitted historic plans that, there is NO evidence of buildings having ever existed on the application site, therefore the principle of a new structure here is unjustified in historic terms and will inevitably impact on the setting of the Farmhouse, thus compounding its already degraded setting, as noted above.

Clearly the existing proposals have a very different impact on the setting of the Farmhouse, compared to that dismissed at Appeal, due to revised siting, scale, height and massing.

The above said, given the information and advice provided by Sue Warren's report, I am more than surprised to see that the agent is proposing the use of alien brick, rather than the promoted, more appropriate use of the local shillet stone. In my opinion, should permission be granted, local shillet is the ONLY acceptable material. Whilst sourcing is very likely to be an issue, this is one for the applicant / agent to resolve.

As noted above, as there is no historic evidence of buildings having existed on the application site, the promoted design philosophy is considered flawed / unjustified and deemed not 'honest' i.e. purporting to be a converted extant 'stable' building and 'designed' so as to hopefully secure permission and minimise objection.

'Brown stained timber windows and doors are NOT deemed appropriate.

Whilst the application form states the use of nature stone for boundaries, such is not evident / clear from the submitted plans. Clarification is required in this respect, regarding location and heights, in order that an assessment as to the appropriateness of the same and, equally, the potential further impact on the setting of the Farmhouse, can be assessed i.e. walls or soft landscaping could well 'isolate the purported 'stable conversion and make the design concept meaningless.

#### Summary

The Inspector to the previously dismissed Appeal, unfortunately did not specify or offer the parameters that should be assessed / were critical to, the determination of any future proposals for development of the site.

I consider the requirements for additional information, as noted above, to be essential before a decision is made.

The above said, you will see from my comments that I have an in-principle objection, and as such you may deem the requirement for the requested information unnecessary at this stage, should you decide to recommend refusal.

Please advise on your intended course of action, as I would wish to have an input to conditions, should permission be recommended and likewise offer further comments, if the additional information is received.

PS The additional information listed above was requested on 22nd September 2009

but to date has not been received from the agent.

## **REPRESENTATIONS**

5 letters of support have been received including one from the ward Councillor, Cllr Waymouth, raising the following points:- The proposed development would improve the overall appearance of the site and would be appropriate and complementary to the listed farmhouse and the new adjoining property, as one single storey dwelling with matching materials. Importantly it would also enhance the security for existing residents which is a cause for concern at present; there is a demand for additional houses in the area; the proposal would offer security, noise reduction and better views from the existing farmhouse and would enhance the area

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
PPG15 - Planning and the Historic Environment,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The "Maidenbrook Farm" site has always divided itself into two distinct areas, the working farm and buildings, which lay to the east and south of the farmhouse and the quiet, private domestic gardens located to the north and west of the farmhouse. The historic evaluation of the site, submitted with this application, has established that there are no records of any buildings ever being positioned on the application site to the north of the farmhouse. (This report is available to view in full on the Taunton Deane web site). When planning permission was granted in March 2002, for the conversion of the farmhouse into two dwellings and the conversion of the adjacent barns into dwellings. The setting of the listed building was taken into account and the conversion scheme designed to retain the character of the farmhouse with its private and domestic curtilage. Subsequent permissions for residential development of the site has allowed additional residential units to be built to the west but the Local Planning Authority has consistently resisted new development of the private garden areas to the north and west.

The applicant has completed the conversion of the farmhouse and barns and new dwellings for which planning permission was granted but chose to retain part of the historic domestic garden area of the farmhouse. In 2005 two applications were submitted for new dwellings to the west and north of the farmhouse and these were both refused and subsequently dismissed on appeal when the inspector was concerned regarding 1) condition 08 of planning permission 08/1996/0021 requiring a landscape buffer between 5 and 12 m in width along the A3259 boundary in order to retain the function of the area as a transition zone between the developed land to the south and open countryside to the north, 2) the loss of the landscape boundary (leylandii) adjacent to the A3259 in order to provide light to the new dwelling and the inability to provide adequate replacement planting in order to compensate for that loss 3) the insensitive scale and siting of the proposed 2 storey dwelling in respect of the surrounding natural and historic features would make it an incongruous intrusion into the setting of the listed building; 4) the repetition of the design resulting in the urbanization of the semi rural site; 5) the opening up of the site to views due to the provision of a new, wider access's drive and 6) the reduction in the size of the listed

pond to accommodate the new drive.

Since the dismissal of the appeal, the land to the east of the farmhouse has been sold to the occupiers of the farmhouse but the area to the north has been retained by the applicant. The Leylandii trees have been removed from the north of the site and opening up the site to views and noise from the A3259 and the applicant has chosen not to erect any new boundary treatment in order to secure the site, reduce noise from the A3259, which has resulted in problems for the current occupiers of the site. In addition, in spite of the recognition of the positive function of a landscaped boundary to the A3259 by the Inspector, the applicant has chosen not to replant the boundary trees in this area. The effect of the removal of the trees is to open up views of the listed farmhouse from the A3259 and increase the importance of the undeveloped nature of the intervening land to the setting of the listed building. In my opinion the proposed dwelling would have a permanent and detrimental impact on the setting of the Listed Building contrary to Central Government advice and Local Plan policies. In addition to this, when the original planning permission was granted for the development at Maidenbrook Farm, it was considered essential to provide a landscaped edge to the A3259 between 5m and 12m wide and especially around the Listed Farmhouse and its curtilage in order to protect its setting and future viability. The proposed dwelling would project within that 12m zone.

In contrast to the appeal scheme the current proposal is for a single storey building of a “stables” design and would be constructed of local stone and tile and would not, in my opinion result in the repetitive urban design of the previous scheme. However its location between the A3259 and Maidenbrook Farmhouse would maximise its visual impact on the setting of the listed building and would completely alter and be detrimental to the historic context of the land and its relationship to the listed farmhouse.

The dwelling would have an “L” shape form which has been situated to the west of the site running parallel to the boundary hedge (this would be retained by the applicant and not form part of this application), with the garage running east across the site. Whilst this would limit the impact of views from the A3259 to the farmhouse its domestic curtilage would be between the proposed dwelling and the A3259 and this is likely to result in domestic paraphernalia that would also have a detrimental impact on the setting of the listed building.

The applicant has proposed a 1.8m high stone wall along the boundary with the A3259 and I have two serious concerns regarding this proposal. Firstly the wall is proposed immediately adjacent to a historic pond which is to be dredged as part of this proposal and reinstated. I am concerned that the foundations of any wall in that location would be likely to have a detrimental impact on the structure of the listed pond and may result in its loss. There have been no details submitted to establish the situation; secondly the boundary of the A3259 is generally landscaped with the only section of wall, lower than 1.8m, located further to the east where the new dwelling replaced an old farm building. This wall is much lower and the owner has agreed to plant hedging on the inside to soften the visual appearance and recreate a landscaped boundary to the road. In my opinion the proposed 1.8m stone wall would be out of keeping with the character of the area.

The proposed access would be formed by utilising the existing turning head of the internal access road and private drive to the farmhouse. There are no proposed alterations to this access in order to gain access to the site and therefore the

proposal would not have a detrimental impact on the listed pond over which the access drive runs. (The applicant will need to ensure that the existing drive is structurally sound to support additional traffic movements).

In summary I consider that the proposed dwelling would be situated on undeveloped land associated with the domestic curtilage of the listed farmhouse and its development would be detrimental to the setting and historic context of the Listed Building contrary to Central Government advice, Structure and Local Plan policies. Furthermore I consider that the development of the site would be detrimental to the transitional character of the area and visual amenity of the A3259 and I consider the proposal unacceptable.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposed dwelling by reason of its juxtaposition with the A3259, the adjacent farmhouse and barn conversions would be out of keeping with the character of the area and detrimental to the setting of the Listed Building. Furthermore there is no evidence of any previous buildings on this land and therefore no historic Justification for the resultant intrusion and harm to the setting of the listed Farmhouse. The proposal is therefore considered to be contrary to Taunton Deane Local Plan saved polices S1(D) and S2(A), Somerset and Exmoor National Park Joint Structure Plan policy 9 and Planning Policy Guidance Note 15 Planning and the Historic Environment, and Section 6.6 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.
  
- 2 The proposed dwelling would be located on land considered to be important to maintain the rural character of the transition zone between the developed land to the south and the open countryside to the north of the A3259 and it is considered that the proposed dwelling would result in an urbanisation of the area out of keeping with and detrimental to the character and appearance of the area and contrary to Taunton Deane Local Plan polices S1 (D) and S2 (A)

## **RECOMMENDED CONDITION(S) (if applicable)**

### **Notes for compliance**

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

**CONTACT OFFICER: Mrs J Moore Tel: 01823 356467**



10/09/0024

MR E SLATER

**ERECTION OF AGRICULTURAL STORAGE SHED AT VENCROFT FARM,  
CHURCHSTANTON (RETROSPECTIVE - RESUBMISSION OF 10/08/0023)**

319099.115107

Full Planning Permission

---

**PROPOSAL**

The proposal is a storage building located some 70m from the farm yard complex and within 25m of the River Culm. The building has been erected without consent and the application seeks to regularise the situation. The roof is a currently a light green onduline and the existing structure measures 6m x 3.6m and 3.3m high. The applicant has submitted a Flood Risk Assessment and a Visual overview of the building by a landscape architect.

**SITE DESCRIPTION AND HISTORY**

The storage building has been erected on land within 19m of the river bank and some 67m from the farmhouse on farm land within the floodplain. A previous planning application for retention of the building in this location was refused and dismissed on appeal and is currently subject to an enforcement appeal.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

*CHURCHSTANTON PARISH COUNCIL* - The proposals address every requirement addressed at Appeal. The comprehensive 'visual overview' by a Chartered Landscape Architect indicates the proposed shed has minimal (if any) impact on the AONB and the possibility of flooding appears negligible in the opinion of local (long time) residents. The Council has been given to understand that TDBC has been asked to specify the colour of any paint to be applied.

*HERITAGE AND LANDSCAPE OFFICER* - Given the location within the Blackdown Hills AONB landscape and the recently refused planning appeal my concerns are:

- a) the shed is not well related to other farm buildings and would be better closer to the house and on the other side of the stream.
- b) the shed is visually prominent from the public footpath and the proposed roof, although matching the colour of the house roofing would in my opinion be incongruous.

*ENVIRONMENT AGENCY* - The Environment Agency OBJECTS to the proposed development, as submitted, on the following grounds:

The structure is located within Flood Zone 3 of the River Culm and constitutes an

obstruction to flow within the rivers floodplain. An inevitable increase in flood risk would occur which is deemed contrary to the overall philosophy of PPS25. We consider the Flood Risk Assessment (FRA) as being in part inadequate mainly because it contains a lack of quantification of the risk and hazards at this site, and tends, to a degree, towards dismissing the risk. In light of this we refer your Authority to paragraphs 22 and Annex E of PPS25 which highlight the applicant's responsibilities in terms of quantifying the flooding risks and minimum requirements in terms of production of a FRA.

On a second issue we do not entirely agree with the Sequential Test as carried out by WYG Planning and Design in particular the conclusion which states 'It is concluded that there are no reasonably available sites in the search area with a lower probability of flooding that would be appropriate to the type of development or land use proposed. On this basis the requirements of the 'Sequential Test' are considered to be passed.' This does somewhat contradict paragraph 5.2 of the applicants Sequential Test statement which states that 'The agricultural shed could be positioned on the fields to the north west or south west of which are within Flood Zone 1.'

Representatives of the Environment Agency visited the site on the 28th May 2009, including Ian Hooper, our Development and Flood Risk Engineer. It was quite evident that there are areas of land at a lower risk from flooding, including areas of Flood Zone 1 and 2, upon which the structure could be repositioned. Of material consideration is the fact that the south western corner of the hardcore compound area, within which the structure has been built, is at a higher ground level and thus at a lower risk of flooding than the location where the structure has been built.

In light of the above we draw to the LPA's attention to the following Paragraph 17 of PPS25 which states.

'In areas at risk of river or sea flooding, preference should be given to locating new development in Flood Zone 1. If there are no reasonably available sites in Flood Zone 1, the flood vulnerability of the proposed development (see TableD.2, Annex D) can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources (see Annex C) as indicated by the Strategic Flood Risk Assessment.'

In this instance there are alternative sites at a lower risk of flooding reasonably available to the applicant, and consideration to failing the Sequential Test in terms of their location of the structure in question could quite reasonably be given. The 'less vulnerable' classification of the development is somewhat irrelevant given areas at a lower risk of flooding are reasonably available.

In light of the above we strongly recommend that the application be refused. Alternative locations that are at a lower risk of flooding should be explored.

## **Representations**

5 Letters of support on the grounds of the shed is small, unobtrusive in the landscape, the roof colour will be changed, there is no other suitable site and planting will further screen the building.

## **PLANNING POLICIES**



PPS7 - Sustainable Development in Rural Areas,  
PPS25 - Development and Flood Risk,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,  
S&ENPP60 - S&ENP - Floodplain Protection,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,  
EN28 - TDBCLP - Development and Flood Risk,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main consideration with the proposal is the impact on the character of the AONB and the flood risk issue. The previous application was refused on three grounds, the impact on the AONB in light of the location, the roof colour and the location of the building in the floodplain. The applicant intends to alter the roof colour of the building and subject to this being a slate grey colour this would address this reason for refusal.

The Inspector on appeal considered the location away from farm buildings and visible from the road and public footpath. He considered the proposal to be contrary to PPS7 and to harm the character and appearance of the AONB. The current submission does not relocate the building but proposes landscaping as part of a Visual Assessment. The Inspector could have imposed a landscaping condition if the location was otherwise thought to be acceptable, however he did not do so and dismissed the appeal. The building is in the countryside where strict control over development is undertaken particularly in an AONB. The building does not relate well to other buildings and appears an isolated intrusion into this part of the AONB and is considered contrary to policies STR6 and policy3 of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S7, S1(D) and EN10 of the Taunton Deane Local Plan.

The location is still one within Flood Zone 3 and the Environment Agency object to the development. It is not considered that the Sequential Test has been passed as there are other locations within lower flood risk areas that the building could be located without having an adverse visual impact. In the circumstances therefore there is no ground to reverse the previous decision of both the Growth and Development Manager and the appeal Inspector. Consequently the proposal is considered to fail the Sequential Test of PPS25 and would be contrary to policy 60 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy EN28 of the Taunton Deane Local Plan.

In light of the above circumstances the application is recommended for refusal on the grounds of impact on the AONB and Flood Risk

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

Refuse Permission for reasons of building prominent in the countryside not well related to others and detrimental to the character of the AONB contrary to policy

STR6 of the S&ENPJSR and TDLP policies S7, S1(D) and EN10 and sited in a location in a floodplain where the development could constitute an obstruction to flow and it fails the sequential test and is contrary to PPS25, Policy60 of the Joint Structure Plan Review and policy EN28 of the Local Plan.

- 1 The proposed development by reason of its location unrelated to other farm buildings and its prominence within the landscape of the Area of Outstanding Natural Beauty is considered to be detrimental to the character of the area and contrary to policies STR6 and Policy 3 of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S7, S1(D) and EN10 of the Taunton Deane Local Plan.
- 2 The proposed development by reason of its location in a flood plain where the development could constitute an obstruction to flow and an inadequate sequential test is considered contrary to PPS25 and policy 60 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy EN28 of the Taunton Deane Local Plan.

**RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

19/09/0007/LB

D& A BEST & MATTHEWS

## **ERECTION OF SINGLE STOREY EXTENSION TO WEST ELEVATION AT BUTTLES LODGE, VILLAGE ROAD, HATCH BEAUCHAMP**

329986.120038

Listed Building Consent: Works

---

### **PROPOSAL**

The proposal comprises the erection of a single storey extension to the rear (west) of the lodge on the site of an existing loggia (portico). The proposal includes taking down the existing dressed stone columns and pilasters and relocating them within the proposed extension.

Materials will match the existing dwelling and a glass screen is proposed behind the stone columns.

### **SITE DESCRIPTION AND HISTORY**

Buttles Lodge is a Grade II listed building that lies within the village settlement of Hatch Beauchamp. The lodge fronts onto Village Road, which runs into the centre of the village. There are two separate access points off Village Road, which merge into a single driveway to the rear of the lodge. Some hedgerow planting can be found to the front of the site.

#### Planning History

19/2002/0028LB & 0027 - Erection of single storey extension towards the road. Applications were refused on 3<sup>rd</sup> February 2003 for the following reason:

‘The proposed single storey extension would introduce an alien feature at variance with the classical, two storey, near symmetrical facades of this Grade II listed building and as such would have a serious detrimental effect on its character and Hatch Beauchamp....’

The application was later dismissed at appeal on 25<sup>th</sup> November 2003.

19/09/0003LB – Erection of single storey extension to east elevation. The proposed extension was proposed to be sited in a similar location to the previous application and was refused on 7<sup>th</sup> May 2009 for the following reason:

‘The proposal, by reason of its design, juxtaposition, materials and visual impact on the host building, would have a serious, detrimental, unjustified effect’.

### **CONSULTATION AND REPRESENTATION RESPONSES**

#### **Consultees**

SSC - *TRANSPORT DEVELOPMENT GROUP* - No observations.

*HATCH BEAUCHAMP PARISH COUNCIL* - Support application. Improvement on two previous unsuccessful applications made for extensions on east elevation, which Parish Council objected. New plan appears in harmony with original building in terms of design (preserves loggia columns and pilasters) and materials (dressed ashlar stone), does not obscure or interfere with balustrade frieze, barely visible from public frontage of Village Road.

*CONSERVATION OFFICERS -  
GENERAL*

It would complete the picture, if full rather than part, proposed elevations were provided, as I suspect such would confirm my opinion that, the proposed extension will unbalance the near symmetry of the extant building and compromise its existing compact composition.

The proposed extension, is clearly a very different approach to those previously advocated and refused. I understand and to a degree empathise with the promoted design philosophy but cannot support the scheme, for reasons detailed later.

## DESIGN STATEMENT

Submission at 2.3 – whilst the proposed extension would not be generally visible from the public realm, Listed Building status does not diminish the requirement to assess the impact of proposals on the character of the building ie internal alterations are subject to scrutiny and these are clearly only visible by owners and guests. Whilst this submission addresses one of the concerns noted by the Inspector to the previous Appeal, in the opinion of the Local Planning Authority, it should not be given the “weight” suggested.

Submission at 4.1 – here; it is advocated that the proposed extension, is on the rear elevation. This conflicts with the accurate statement at 1.4 in that, this elevation, is indeed the principal elevation of the building.

Submissions at 3.2 and 3.3 – Policies EN16 and EN17 are cited however these were not saved by Direction under Part 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004. As such, these policies are irrelevant to the determination of the application and the reason why they were not cited in the reason for refusal for 19/09/0003LB.

## SPECIFIC OBSERVATIONS ON PROPOSALS

Having studied the proposals in detail and mindful of my comments at 1 above, I offer the following reasons why I object:

The pseudo portico, would have a fundamental and irretrievable effect on historic fabric and the intact original façade.

Whilst anything is possible, no justification has been put forward to warrant the dismantling and relocation of the existing columns.

Whilst not an issue for the Local Planning Authority, the cost of relocation of the stone columns (by an approved contractor), would appear to be unviable, given the resultant space secured. This is therefore considered an element worthy of note, as part of the decision-making process.

As noted at 1.1, the portico/extension, would unbalance the (very near) symmetry of the building and compromise its existing compact composition.

In essence, the proposed extension is designed as a classical portico, which historically would be open. Here however it is proposed to be infilled with contemporary glazing to the front and ashlar stone to the sides. Glazing details are lacking hence I have reservations as to how this could successfully be achieved.

The pseudo portico, in my opinion, would give Buttles Lodge a non-deserving hierarchy but perhaps more importantly, its proposed use would belie the design ie table, chairs, blinds/curtains and other domestic paraphernalia would inevitably ensue, which in turn would compound the detrimental effects noted elsewhere, such that the architectural essence and historic purpose of Buttles Lodge, would be severely compromised and devalued.

*GEORGIAN GROUP* - Group have written to authority twice and Planning Inspectorate regarding extension to this building. Letter from March 2009 advise that: The addition of dining room not essential to continuation as a dwelling and that any extension would be damaging to the character of this building. PPG 15, Para, C.7: There will always be some historic buildings where any extensions would be damaging and should not be permitted. Current application involves relocation of historic fabric, a procedure that is seldom advisable as it disrupts the historic appearance of the building in a misleading manner.

### **Representations**

LETTER OF SUPPORT FROM WARD COUNCILLOR: - Ask that permission be granted; environmentally sustainable to extend property for 21<sup>st</sup> Century living; third application, overcomes previous issues and design achieves this without interference to street scene; note comments made by conservation officer that visibility of building not important, I feel that it does not have an impact on street scene to be of relevance; fully support Parish Council comments.

EIGHT LETTERS OF SUPPORT: - small extension; will not dominate; sympathetic to age, character and appearance of lodge; materials to match; will not affect integrity of the building; enhance downstairs living space; sited to rear; not visible from road; no detrimental impact.

### **PLANNING POLICIES**

S&ENPP9 - S&ENP - The Built Historic Environment,  
PPG15 - Planning and the Historic Environment,

### **DETERMINING ISSUES AND CONSIDERATIONS**

The portico/extension would unbalance the (very near) symmetry of the building and compromise its existing compact composition. The design of the extension, as a classical portico, would historically have been open. Here however it is proposed to be infilled with contemporary glazing with ashlar stone to the side. Glazing details are lacking, hence some reservations as to how this could successfully be achieved. Furthermore, the pseudo portico, would have a fundamental and irretrievable effect on the historic fabric of the building. The scheme being on the principal elevation is

thus more detrimental than the previous refused scheme.

Whilst removing the existing stone columns and pilasters may be possible, no justification has been submitted to warrant the dismantling and relocating.

It is not disputed that the proposed extension would have a limited impact on the street scene. The main concern, as mentioned above, is the impact on the character of the listed building itself, and its principal (west) elevation. The accompanying statement, 1.4, submitted with this application confirms that the elevation is the principal elevation, and Para 8 of the Inspector's Report comments that the east elevation is the less formal side of the building, reiterating the above comments.

The previous appeal decision raises points that are still valid to this application. Para 10 refers to PPG15 and to the 'sensitivity to alteration or extension of humble and once common building types that are relatively unaltered examples of a particular building type'; Buttles Lodge being considered such a building. As such, it is considered that any proposal to extend the lodge would be damaging and should be resisted. The same para 10 refers to viability:..'no detailed evidence has been submitted to indicate if the lodge were not extended it would be at risk of becoming unused or falling into a state of disrepair'. No evidence has been submitted. The submitted statement 5.7, states ..'Separate dining facility is both desirable and reasonably necessary in the context of C21st living'.

Notwithstanding the need for the extension and its resiting, the design, removal of historic fabric and siting on the principal elevation are considered detrimental the listed building and provides a worse scheme than the previous refusal and appeal and the application should be refused.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposal, by reason of the alterations to the classical, intact, principal facade, would have a significant, irretrievable and seriously detrimental impact on the character of this Grade II Listed Building without adequate justification. In addition, the proposed extension would unbalance the near symmetry of the extant building, hence compromising its compact composition, all of which is contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and PPG15.

## **RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**



21/09/0020

MR G BREWER

**ERECTION OF A DWELLING IN THE GARDEN OF 5 SWIFTS, LANGFORD BUDVILLE (RESUBMISSION OF 21/08/0029)**

311107.122924

Full Planning Permission

---

**SITE DESCRIPTION AND HISTORY**

The site comprises the front/side garden of the existing dwelling, 5 Swifts. The majority of the site is level with the front of the existing dwelling, however, the junction of Swifts slopes down steeply to meet the road through the village and as such, it is significantly elevated when viewed from the north and east. The site is open to the road on the north and east, with this site boundary being a steep grass bank. A low timber fence forms the eastern site boundary to the neighbouring number 3, which fronts the main road rather than Swifts estate road. The south boundary is a high rendered wall to the garden of the existing number 5.

The site sits at the corner of number 5 Swifts and the road through the village, past the church and school. There are a mixture of surrounding dwellings: The south and east side of Swifts are unremarkable, yet uniform terraced bungalows, with the north and west being two storey. The Victorian school buildings sit to the north, with a number of older properties sited along this road.

Application 21/08/0029 sought planning permission for the erection of a dwelling on this site. The application was refused for 5 reasons, as follows:

1. The proposed development is considered to provide insufficient private amenity space for the future occupiers of the site and has poor outlook from one of the habitable rooms due to the close proximity to the boundary. It is considered that the site is not large enough to accommodate the dwelling proposed and it is, therefore poorly designed and laid out contrary to policy S2 of the Taunton Deane Local Plan.
2. The proposed dwelling, by reason of the surrounding site levels, orientation and proximity to the highways would appear dominant in the street scene when viewed from the northwest. It would detract from the visual amenity of the immediate area and the character and appearance of the adjoining conservation area, contrary to policies S1 and S2 of the Taunton Deane Local Plan, policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the duty outlined at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. Insufficient information has been provided to demonstrate that the proposed dwelling would not detract from the setting of the listed church to the east. It is therefore considered to be contrary to policy S1 of the Taunton Deane Local Plan, policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the duty outlined at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



4. The proposed flat roofed garage is considered to be an incongruous feature within the submitted design specifically and surrounding area generally. It is considered to detract from the street scene and setting of the conservation area, contrary to policies S1 and S2 of the Taunton Deane Local Plan, policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the duty outlined at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. Insufficient information has been provided to demonstrate that the proposed development can be made acceptable in terms of highway safety without causing further detriment to the visual amenities of the area. It is therefore considered to be contrary to policies S1 and S2 of the Taunton Deane Local Plan.

## **PROPOSAL**

This application seeks full planning permission for the erection of a dwelling. The one bedroom dwelling would be sited in the side garden of the existing dwelling, set closer to the two roads that border this corner plot. It would have a single storey and would be have rendered walls with concrete roof tiles. A retaining wall would be constructed along the back of the footway that runs around the site, to provide a level site, raised up from the footway by around 1.7 metres at its maximum on the north side. The material proposed for the retaining wall is not specified.

The proposal is a modified scheme from the previous application, removing the garage from the proposal and re-siting the dwelling within the site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – The proposal would result in a reduction in parking for the existing dwelling. However, this is a one bedroom property, so a single space (as indicated) for each of the dwellings is acceptable.

Given that an existing access is being used, it may be considered unreasonable to insist upon the same visibility splays that were recommended for the last proposal. However, it is necessary to ensure that a reasonable splay is imposed to ensure no boundary fences or trees are positioned, obstructing visibility in the future. A visibility splay as indicated on an enclosed plan should be secured by condition.

*LANGFORD BUDVILLE PARISH COUNCIL* – Support the proposal.

*CONSERVATION OFFICERS* – Verbally confirmed that the proposals do not overcome the concerns raised in respect of the previous application, in that the proposal sits awkwardly in relation to the established pattern of development and may prejudice the setting of the listed church and conservation area.

*DRAINAGE ENGINEER* - No objection. Soakaways should be constructed in accordance with BRD 365.

*WESSEX WATER* - The development is within a foul sewered area and a point of

connection must be agreed. The Local Planning Authority must be satisfied with the method of disposal to soakaway. The developer should check with Wessex Water to ascertain whether there are any uncharted sewers or mains on the site.

## **Representations**

THREE letters of support and FIVE letters raising no objection have been received, making the following comments:

- The proposed vehicular access is acceptable and safe.
- Query the need for a visibility splay when one can see adequately in both directions. The splay would impact upon the established garden frontage.
- It is not necessary for the access to the highway to be at right angles.
- The proposal will not interfere with Swifts or the School Road.
- The proposal will provide a much needed lower cost housing unit and potentially a pupil for the school.
- The proposal seems to be designed in a way to help it blend in with the surroundings.
- The site is outside the conservation area.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
M4 - TDBCLP - Residential Parking Provision,  
EN4 - TDBCLP -Wildlife in Buildings to be Converted or Demolished,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
PPS1 - Delivering Sustainable Development,  
PPG15 - Planning and the Historic Environment,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit of Langford Budville and the development is considered to be acceptable in principle. The main issues in the consideration of this application are the impact of the design and layout on the general street scene and local character, character and appearance of the conservation area and nearby listed buildings, highway safety, and the impact on neighbouring property.

### **Design and layout**

The site is located within the context of generally unremarkable properties and despite the site's location adjoining the conservation area, it would be difficult to raise an objection to the design style *per se*. Of greater importance is the proposed layout of the site, the physical bulk and the way that it would sit in the street scene.

In terms of the detailed site layout, the application proposes a small dwelling on a small plot. Space about the building would be severely limited, with an external amenity area measuring, approximately 40 square metres. Whilst in total area terms, this is reasonable for a dwelling of this size, the space would be on the public side of the dwelling and not in any way private. It is narrow and therefore its usability is questionable. Although, no means of enclosure is proposed, there would likely be pressure from future occupiers to enclose the space to create a private amenity area

and to prevent direct views into the living room. Due to the prominent location of the site and change in levels such a means of enclosure, however constructed, would be detrimental to the general street scene and appearance of the adjoining conservation area, especially as it would sit on top of the proposed 1.5 metre high retaining wall. Even without any boundary screening (such as a wall or fence) the proposed retaining wall is by itself considered to be an intrusive feature in the general street scene.

Turning to the wider scale and surrounding context, the proposed layout is somewhat at odds with the prevailing plan form of the area. The dwellings of Swifts are constructed in strong building lines that are set a reasonable distance back from the road. The proposed dwelling, would be forward of the building lines and would, as such appear prominent in the street scene. This would be exacerbated by the significant elevation of the site and proposed retaining wall. This impact would be particularly apparent when viewed from the northwest into the conservation area. The view towards the site from this direction is dominated by the listed church in the background. The conservation officer does not believe that views of the church will be interrupted by the dwelling, but information on context is poor. In any case, the intrusive nature of the dwelling, as outlined above would dominate the foreground and this may well be detrimental to the setting of the important listed building at the heart of the conservation area. Further information accurately depicting the context may alleviate these concerns, but on the basis of the information submitted the proposal is considered to be inappropriate for these reasons.

When viewed from the west, looking down Swifts, the bulk of the building would be less of a problem and the curve in the road means that it does address the public realm in a manner that is generally acceptable, although the details of the fenestration, with the high level windows in the gable end are a little stark. The proposal would also force the parking area for the existing 5 Swifts to the front of that dwelling, which would increase the prominence of parked vehicles in the street scene. Whilst, in this context, this may not warrant refusal in its own right, it adds weight to the concerns noted above.

## **Highways**

The Highway Authority has raised no objection in principle to the scheme, considering that it can be made acceptable. The level of parking provision is acceptable and the proposed boundary wall could be realigned to accommodate the highway authority's proposed visibility splay. The previous highway reason for refusal is considered to have been overcome.

## **Neighbouring property**

The dwelling would be sited in close proximity to the boundary with number 3 to the east. However, it is not considered that the bulk of the building would create an unacceptable impact on the amenity space of this dwelling. The proposed boundary fence and lack of windows in the east elevation would prevent any unacceptable overlooking. The existing number 5 would retain sufficient amenity space to the rear. It is not considered that this dwelling, or any others in the surrounding area would be impacted on unacceptably.

## **Conclusions**

It is considered that the proposed dwelling would be sited such that it was unduly dominant in the street scene. It has a poor relationship with surrounding dwellings and the public realm in visual terms. There is insufficient information provided regarding the potential impact on the character and appearance of the adjoining conservation area in general and the church in particular. The proposed layout provides insufficient private amenity space for the future occupiers and for these reasons it is considered to be unacceptable. It is, therefore, recommended that planning permission is refused.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposed development is considered to provide insufficient private amenity space for the future occupiers of the site. It is considered that the site is not large enough to accommodate the dwelling proposed and it is, therefore, poorly designed and laid out contrary to policy S2 of the Taunton Deane Local Plan.
- 2 The proposed dwelling, by reason of the surrounding site levels, proposed retaining wall, orientation and proximity to the highways would appear dominant in the street scene when viewed from the northwest. It would detract from the visual amenity of the immediate area and the character and appearance of the adjoining conservation area, contrary to policies S1, S2 and EN14 of the Taunton Deane Local Plan, policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the duty outlined at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3 Insufficient information has been provided to demonstrate that the proposed dwelling would not detract from the setting of the listed church to the east. It is therefore considered to be contrary to policy S1 of the Taunton Deane Local Plan, policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the duty outlined at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**

27/09/0020/REX

MR H FARBAHI

**ERECTION OF A HORTICULTURAL NURSERY TO INCLUDE POLY TUNNEL AND CONSTRUCTION OF ACCESS AT LAND SOUTH OF HARRIS'S FARM, HILLCOMMON (TO REPLACE EXTANT PERMISSION 27/06/0015)**

315696.126071

Replace an Extant Planning Permission

---

**PROPOSAL**

Planning permission is sought for an extension of the time limit imposed on planning application 27/06/0015. The application, for a horticultural nursery, was approved at Planning Committee on the 11 October 2006. Changes to the procedures for extending the time limit of existing planning permissions were introduced on 1st October 2009 by virtue of the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009. The legislation provides a mechanism for existing planning permissions, granted on or before October 1 2009, to be replaced before they expire in order to allow a longer period for implementation (although the previous permission will not be revoked, rather a new permission granted subject to a new time limit). The guidance sets out that only one extension of time will be permitted.

The application is before Planning Committee as the applicant is a District Councillor.

**SITE DESCRIPTION AND HISTORY**

The site area comprises 4.14 ha of agricultural land and is located to the South of Harris's Farm and to the east of Hillcommon. The site slopes gently from north to south. There is a hedgerow along the highway frontage with the B3277 and hedgerow/trees along the site boundaries. In 2006 permission was granted for the erection of a horticultural nursery, polytunnel, and associated access. The existing access to the field is the North West corner of the site. The existing access will be stopped up and a revised access was approved as part of the previous scheme to provide an acceptable visibility splay. The materials of the building were stated as red cedar cladding and red sandstone walls, timber windows, under a silver grey profiled aluminium clad roofing system. The application was accompanied by a Transport Impact Assessment and landscape strategy.

**CONSULTATION AND REPRESENTATION RESPONSES**

**NATURAL ENGLAND** – Natural England requests that the recommendations of TDBC Nature Conservation and Reserves Officer be used in determining the application and attaching conditions.

**NATURE CONSERVATION & RESERVES OFFICER** – As the wildlife report and recommendations are now 3 years old, a new survey is required to determine any

possible changes on site with regards to wildlife. Recommend condition be imposed.

DRAINAGE OFFICER – No objection subject to note regarding soakaways on previous application.

HIGHWAY AUTHORITY – Observations to follow.

SOMERSET COUNTY RIGHTS OF WAY – A public right of way (PROW) recorded on the Definitive Map runs in the south east corner of the site (footpath WG 9/5). It appears the proposal would not affect the right of way. However, if the development would result in any changes or alterations to the PROW then the authorisation of the Somerset County Council Rights of Way Group must be sought. The path must remain open and unobstructed at all times.

DIVERSIONS ORDER OFFICER – Public footpath WG9/5 is to be found on the application site.

LANDSCAPE OFFICER – As per previous comments (to the amended plans on original application) – I would prefer to see a simple more agricultural form of building to fit in with the rural character of the area but subject to revisions in detail of the landscape it should be possible to reduce the impact of the building to meet Policy EN12.

## **Representations**

4 letters of OBJECTION has been received. Summary of OBJECTIONS: - disappointed the applicant has continued with the application despite public feeling; site entrance is in close proximity to commencement of 40mph speed restriction; existing speed limit is often ignored – record of serious/fatal accidents; poor visibility; road used by walkers – no footpaths; site is opposite residential properties and the additional activity generated at all hours, noise and light pollution will be detrimental in this rural setting; intrusive development; advertisements would give a cluttered appearance; concern the nursery may become a garden centre e.g. Blackdown Garden Centre and expand; close proximity of similar businesses already – no justified need; size of polytunnel bears no relation to the size of the building which is excessively large; eyesore; screening would block views of Blackdown Hills; contrary to policy; previous conditions should be re-imposed if minded to grant (particularly that only products grown on site shall be sold from the premises); two-storey building is inappropriate in open countryside; position of toilet, staff room and office, on the west side of the building, results in neighbouring properties being overlooked; care should be taken to ensure that the public footpath is not impeded;

One letter received confirming no planning related observations/comments to make.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS7 - Sustainable Development in Rural Areas,  
PPS9 - Biodiversity and Geological Conservation,  
PPG13 - Transport,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP5 - S&ENP - Landscape Character,  
STR1 - Sustainable Development,

STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP19 - S&ENP - Employment and Community Provision in Rural Areas,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,  
EN12 - TDBCLP - Landscape Character Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issue in the determination of this application is whether there has been any material change in policy or circumstances since the grant of consent.

The new legislation has been brought in by the government in order to enable developers and Local Planning Authorities to respond quickly to improvements in the economic climate, and provide greater certainty and flexibility to both parties by giving the power to planning authorities to extend the time limits for extant permissions.

The guidance associated with the legislation states that 'Development proposed in an application for extension (of time) will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission. In doing so, it will be particularly important to ensure the development is consistent with the Governments planning policies on climate change'.

The previous application was considered to be acceptable and accord with the Development Plan. There has been no significant change in policy guidance or material considerations that would give rise to an alternative recommendation. The consideration of environmental issues must be given due consideration and the Councils Nature Conservation & Reserves Officer requests that a condition is imposed requiring a new wildlife survey to be submitted. This is due to the period of time since the initial survey and recommendations were put forward.

It is therefore considered that permission be granted subject to the imposition of a new three year time limit and all previous conditions and notes remain applicable and are therefore re-imposed, together with a requirement for an updated wildlife condition.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

There has been no significant change in policy guidance or material considerations since the previous permission was granted on the 12th October, reference 27/06/0015. It is therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission is acceptable. The proposal accords with Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

## **RECOMMENDED CONDITION(S) (if applicable)**

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

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

2. Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

4. Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. Details of arrangements to be made for the prevention of surface water being discharged onto the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements



shall be provided before the proposed access is brought into use

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

6. Prior to commencement of the development hereby approved, details of any entrance gates to be erected shall be submitted to and approved in writing by the Local Planning Authority and retained as such thereafter. Any such gates shall be hung to open inwards and shall be set back a minimum of 10m from the carriageway edge.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

7. The existing access shall be permanently closed when the access hereby permitted is brought into use. Details of the means of closure shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

8. The visibility splays shown on the submitted plan 18274/001/SK01/A shall be constructed prior to the commencement of the use of the premises and unobstructed visibility shall be provided above a height of 300 mm from adjoining carriageway level and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

9. Before any work is commenced, details of the levels and construction details of the access and driveway shall be submitted to and approved by the Local Planning Authority and no variation from the approved levels shall take place without the express written consent of the Local Planning Authority.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

10. Prior to the new access and drive being brought into use, it shall be hard surfaced in tarmacadam or such other material as shall be agreed in writing by the Local Planning Authority for a distance of 10 metres back from the edge of the carriageway.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

11. Prior to commencement of works on site a full wildlife survey shall be undertaken by a qualified environmental consultant and a report submitted to and approved in writing by the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law.

Reason: To protect wildlife and their habitats in accordance with the Wildlife and Countryside Act (as amended) 1981 and enhance the site for wildlife in

accordance with PPS9.

12. Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

13. No external lighting shall be installed on site without the prior written consent of the Local Planning Authority.

Reason: To safeguard the visual amenities of the area.

14. The development hereby approved shall only be used for nursery/horticultural purposes only as described in the applicants e-mail dated 29th September 2006.

Reason : In the interests of highway safety, the amenities of the area and the site is within an area where the Local Planning Authority does not wish to see the establishment of a retail outlet due to this location remote from any defined settlement boundary in accordance with Policy 49 of the Somerset & Exmoor Joint Structure Plan review and Policies S1, S2 and S7 of the Taunton Deane Local Plan.

15. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order) no additional floors, including mezzanine floors shall be erected in the development hereby approved without the express grant of Planning Permission. unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason : To ensure that the proposed development does not have an adverse effect on the area by reason of the size of premises and/or an excessive amount of extra activity in this open countryside location in accordance with Taunton Deane Local Plan Policies S1, S2 and S7

#### Notes for compliance

1. You are advised that the soakaway should be constructed in accordance with Building Research Digest 365 (September 1991).
2. Any alteration to the footpath, route or surface, must be authorised by the County Council. The path must remain open and unobstructed at all times.
3. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should

ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr A Pick Tel: 01823 356586**

38/09/0324

SHAL HOUSING LTD.

**ERECTION OF 2 SEMI-DETACHED HOUSES ON LAND BETWEEN 2A & 3 BURNS ROAD, TAUNTON (RESUBMISSION OF 38/09/0241)**

324014.124578

Full Planning Permission

---

**PROPOSAL**

Burns Road is characterised by large render and tile semi-detached dwellings set in large plots on the northern side and smaller brick and tile semi-detached properties in smaller plots on the southern side. Some new residential units have already been permitted and built in the gardens of no.2 and 4, forming 2a and 4a.

The site is situated between 2a and 3 and is currently occupied by a flat roof garage and parking/garden area to no.3. The site backs on to Liseux Way, separated by an area of grass verge, planted with trees.

Planning permission was granted on this site in December 2007 for the erection of a detached two storey building containing two flats. Planning permission was refused earlier this year for the erection of a pair of three bedroomed semi-detached dwellings due to the overbearing impact on no.2a Burns Road, resulting in material harm to the residential amenities of that property.

This application now seeks permission for a pair of semi-detached dwellings, one of three bedrooms and one of two bedrooms. These are proposed of render to the front and rear with brick sides and tile roofs incorporating solar panels. These would occupy the full width of the plot. Two car parking spaces would be provided for the existing property, no.3 and one car parking space for each of the proposed dwellings. Following the refusal of the previous scheme, the two storey element of the proposed dwelling adjacent to no.2a has been reduced in length so as not to protrude beyond the rear wall of no 2a. Instead, a single storey extension will protrude 1.8 metres to the rear of no.2a.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*CLLR HAZEL PRIOR-SANKEY* – Objects due to the close proximity to the neighbouring property and the extension at the back going out beyond the current building line.

*DRAINAGE ENGINEER* - The land is assumed to be either present or former TDBC Housing land and therefore the Council's Housing Property Manager and the Assets Holding Manager should be consulted as TDBC Housing Drains could be affected. Suggests condition regarding details of foul and surface water discharge.

*HERITAGE AND LANDSCAPE OFFICER* - No further comments

*WESSEX WATER* - Development located within a private foul sewered area, sewers are not the responsibility of Wessex Water. Developer should investigate alternative methods of disposal of surface water as no existing public/separate surface water sewers in the vicinity of the site. Suggest note to applicant regarding uncharted sewers or water mains.

## **Representations**

Five letters of objection have been received raising the following issues:- house will be built very close to no. 2a causing patio and conservatory to be in shadow and kitchen to be dark and single storey extension with pitched roof very imposing; still contrary to policy S1; concerns regarding drainage system; increase in traffic and noise pollution; parking already a problem; bin stores to front out of keeping with street and bins already an eyesore at no.4; overlooking of no.8; properties will not be in keeping with housing already in street; parking already a problem; parking will not be sufficient; cars parking on the side of the road in front of driveway; cars in the area park on the pavement causing hazard to pedestrians/cyclists; road too narrow and cannot cope with more traffic; emergency vehicles/vans/lorries/cars could have difficulty getting along the road.

Other non-planning grounds also raised: query whether amenity of neighbourhood will continue with further dwellings added.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
M4 - TDBCLP - Residential Parking Provision,

## **DETERMINING ISSUES AND CONSIDERATIONS**

In view of the significant drive of PPS1 and PPS3 towards sustainable development and making best use of land within urban areas, this site is considered a suitable infill site for residential development. The principle of two residential units on this site has already been established by the earlier permission. The issue is whether the scheme now proposed will have an increased impact on highway safety, the street scene and the residential amenities of neighbouring properties.

In terms of highway safety, the proposed scheme is not considered to be materially worse than the approved scheme. Two parking spaces will be created for no.3 to mitigate the loss of the garage and parking area. One space will be provided for each of the proposed dwellings, which is considered acceptable taking into account the close proximity of the site to the town centre.

Burns Road is characterised by properties of gabled roof design and there is a mix of both brick and render in the area. The design of the proposed dwellings is therefore

considered to be in keeping with surrounding properties. The rear elevation of proposed property, no.2b is different in appearance to the two properties it lies between. This design has been undertaken to minimise the impact on the adjacent property, no.2a. In view of the drive of government guidelines, through PPS1 and PPS3 to maximise the use of infill sites in sustainable areas and the rear elevation being screened from Liseux Way by trees, the design is considered acceptable in this instance. There are concerns raised by local residents regarding drainage. Drainage details have not yet been finalised and will be dealt with by means of a condition and will involve consultation with the Council's Drainage Officer. Concerns are also raised regarding bins stored to the front of the properties. This is a common view across the town, as a result of modern living and limited weight can be given to this issue.

The element of the proposal adjacent to no.3 will occupy a similar footprint to that already approved and will not therefore result in an increased impact on this property. The previously approved scheme included a two storey element, which protruded 5.5 metres to the rear but was set away from the boundary with no.2a by 2 metres. Following the previous refusal, the two storey element of no.2b has been amended so that it no longer protrudes beyond the rear wall of no.2a. The two storey element of the proposed property will therefore lie adjacent to the two-storey gable end at no.2a. Instead, a single storey element will protrude to the rear for 1.8 metres. This will be 3.5 metres in height at the highest point, where it meets the two storey element of the proposed property (that is in line with the rear wall of no.2a) and will then slope down to 2.7 metres high (1.8 metres to the rear). This element of proposed property no.2b will abut the boundary with no.2a but being single storey and only 1.8 metres in length is not considered to result in an overbearing impact or loss of light. In addition, the dwelling at no.2a is set away from the boundary and the closest rear window at ground floor, serving the kitchen is set in some distance from the side of the dwelling. There will therefore be no material loss of light.

It is essential to consider that the existing flat roof garage on the site of the proposed dwelling, no.2b already protrudes to the rear of no.2a by 1.4 metres and is in fact 350mm closer than the proposed single storey element. Whilst it is accepted that this garage is slightly lower in height, it should be noted that there is already a structure in closer proximity to no. 2a.

It is important to note that single storey extensions of this nature are permitted across the borough regularly. Furthermore, it should be noted that a single storey extension of these dimensions would generally be able to be erected under permitted development rights, without the need for full planning permission. In such circumstances, permitted development rights would in fact allow for a single storey extension up to three metres in length provided the height does not exceed four metres.

An objection is also raised regarding the overlooking of no.8 opposite. This property is set 23 metres away, which is a very similar situation to other properties opposite each other on Burns Road. This is not considered to be an unacceptable relationship.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed dwellings have been designed to be in keeping with surrounding properties and to avoid harm to the street scene and the residential amenities of nearby dwellings. Sufficient car parking is provided, in view of the close proximity of the town centre and the proposal is not considered to result in detriment to highway safety. As such, the proposal is in accordance with policies S1 (General Requirements) and S2 (Design) of the Taunton Deane Local Plan.

### **RECOMMENDED CONDITION(S) (if applicable)**

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

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

3. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

4. Before the building hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel). It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwelling.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

5. Before any part of the development hereby permitted is commenced, there shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.0m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

6. The area allocated for parking on submitted drawing 09009 L 01 02 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the existing dwelling, no. 2 Church Road and the dwelling hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

7. 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 by the Local Planning Authority.

Reason: To prevent surface water being deposited into the highway, in the interests of highway safety and neighbouring amenities, in accordance with Taunton Deane Local Plan Policies S1(D) and (E).

8. The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

9. All services shall be placed underground.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions, other alterations (including balconies, windows) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the amenities of neighbouring properties is not harmed, in accordance with Policies S1 and S2 of the Taunton Deane Local Plan.

11. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.



12. None of the dwellings shall be occupied until works for the disposal of surface water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

13. Prior to the commencement of development, details of the bin stores shall be submitted and agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

#### Notes for compliance

1. With reference to Condition 12, any soakaways should be constructed in accordance with British Research Digest 365 (September 1991). Should porosity tests show that ground conditions are unfavourable then a suitably sized retention tank incorporating an outflow limiting device should be used.
2. The applicant/developer is advised to contact the Council's Housing Property Manager and the Assets Holding Manager prior to the commencement of development to seek any necessary consents as the land is former TDBC land.
3. Note at request of County Highways Authority:  
Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Highways Office, Burton Place, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
4. Note at request of Wessex Water:
  - It will be necessary, if required, for the developer to agree points of connection with Wessex Water, for water supply and the satisfactory disposal of foul flows.
  - The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect it's apparatus.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Miss K Purchase Tel: 01823 356468**

## **Planning Committee - 18 November 2009**

### **Report of the Growth and Development Manager**

#### **Miscellaneous Item**

#### **Proposed development at Station Farm, Bishops Lydeard : Affordable housing provision.**

Proposals for the above were considered by the Planning Committee on 21<sup>st</sup> May 2008.

The following were the relevant planning applications, which were the subject of a joint report:-

- 06/2007/027 Erection of mixed use development comprising 3 units of holiday accommodation, tourist facilities (A3 planning use class), 21 open market houses, 16 affordable housing units (comprising 8 houses and 8 flats) and associated highway infrastructure at Station Farm, Station Road, Bishops Lydeard.
- 06/2007/028 Erection of inn with restaurant (A4 planning use class) and associated highway infrastructure, as part of proposed mixed use development comprising tourist facility and housing at Station Farm, Station Road, Bishops Lydeard.
- 06/2007/042 Erection of 2 no. detached dwellings on plots 38 and 39 (linked to proposed mixed use development comprising tourist facilities, inn with restaurant, housing, offices, WSR Museum and Carriage Shed and associated highway infrastructure the subject of planning applications 06/2007/027, 028, 043 and 044), land at Station Farm, Station Road, Bishops Lydeard.
- 06/2007/043 Erection of single storey building to form museum (comprising exhibition space, lecture/film theatre and library/archive facility) and carriage shed (to house 2 no restored 7 coach trains and historic rail vehicles) (linked to proposed mixed use development comprising tourist facilities, inn with restaurant, housing, offices and associated highway infrastructure the subject of planning applications 06/2007/027, 028, 042 and 044), land at Station Farm, west of railway station, Station Road, Bishops Lydeard.
- 06/2007/044 Erection of two storey office building (linked to proposed mixed use development comprising tourist facilities, inn with restaurant, housing, WSR museum and carriage shed and associated highway infrastructure the subject of planning

applications 06/2007/027, 028, 042 and 043), land at Station Farm, Station Road, Bishops Lydeard.

The Committee resolution on the applications was that subject to various items, including the applicants entering into a Section 106 Agreement to provide for:

- a) A total of 16 units of affordable housing comprising rented, shared ownership units and low cost open market units.
- b) Highway works comprising:
  - i) Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches and provision of traffic lights or priority lanes to the bridge approaches.
  - ii) Provision of a new roundabout at the junction of Station Road and the A358.
  - iii) These works to be completed prior to the occupation of no more than 50% of the open market dwellings.
- c) 50% of the Tourist facility to be complete and ready for occupation prior to the occupation of no more than 50% of the open market dwellings and 100% completed and ready for occupation prior to completion of the open market dwellings.
- d) Transfer of land the subject of planning application 06/2007/043 to the West Somerset Railway prior to the development commencing.
- e) Agreement of a landscape and wildlife management plan;

the Development Manager in consultation with the Chairman be authorised to determine the application and if permission is granted be subject to conditions.

Discussions have been ongoing with regard to the content of the Section 106 Agreement. The one outstanding item is in respect of the affordable housing contribution. The applicants have approached the officers requesting that the provision of affordable housing be reduced from the previously agreed 16 units (comprising rented, shared ownership units and low cost open market units) to 8 units to be provided through a Registered Social Landlord (RSL) for social rented or other such tenure as shall be agreed with TDBC. The units would be provided ready for occupation no later than the occupation of the 20<sup>th</sup> open market unit. The number of open market houses related to planning application 06/07/0027 would be increased to 29.

The proposals in effect seek to bring about the expansion of facilities at the southern terminus of the West Somerset Railway, the provision of new tourist facilities, some employment and other leisure development and housing, both open market and affordable. The latter was incorporated in order to “enable” the other elements of the development to take place. Progress on concluding

the Section 106 Agreement has stalled due to the underlying financial viability, having regard to the cost of the facilities to be provided, the cost of substantial off-site road works (and other servicing) and a significant fall in value of residential development land since financial appraisals were originally run in October 2007. It is the opinion of the applicant that the latter values have fallen by a factor of at least 40% between the Autumn of 2007 and the present. Furthermore, the ability to secure finance for development has diminished and the cost of obtaining such finance (if available) and the terms upon which it is obtainable have significantly altered. The costs of undertaking the development have also increased, not least because of the introduction of sustainable homes Code 3 for the affordable housing units.

The revised proposal with regard to affordable housing provision clearly makes the scheme more commercially viable in the current economic climate, and should enable the proposed development to come forward. The proportion of affordable units will still be in excess of 20%, which is a reasonable contribution given the cost of offsite highway works and less financially lucrative tourism and employment elements. Even with the proposed adjustment to the Section 106 Agreement requirements, it still has to be assumed that there must be some increase in underlying residential land values in order to make the scheme deliverable. This change will make this more probable over the next three years (ie the lifetime of a planning permission). The applicants have indicated a firm desire to commence work on the development. I also understand that there are RSLs who are keen to progress with the development of the eight affordable dwellings for rent and the West Somerset Railway has reiterated its commitment to the project.

## **RECOMMENDATION**

That the affordable housing provision for the development be reduced from the previously agreed 16 units to 8 units and the proposed Section 106 Agreement be amended accordingly.

## Planning Committee – 18 November 2009

### Report of the Growth and Development Manager

#### Enforcement Item

#### Parish:

- |    |                                |   |
|----|--------------------------------|---|
| 1. | <b>File/Complaint Number</b>   | E0138/35/09   |
| 2. | <b>Location of Site</b>        | Bullockfield Hill, Stawley, WELLINGTON,                           |
| 3. | <b>Names of Owners</b>         | Mr and Mrs Oyston   |
| 4. | <b>Name of Occupiers</b>       | As Above  |
| 5. | <b>Nature of Contravention</b> | Stationing of a mobile home on the site for residential purposes. |
| 6. | <b>Planning History</b>        |   |

A complaint was received in April this year that a mobile home had been moved on to a recently acquired small holding. A site visit was made and the owners interviewed regarding their plans for the site. Mr Oyston confirmed that he had appointed agents to submit an application to retain the mobile home but at the present time it was not used for any residential purpose and was not connected to any services. He confirmed that they were living at Gamlins farm Touring site at Greenham. This was later confirmed by the owner of the Greenham site. A application was submitted in July by Greenslade Taylor Hunt supported by an agricultural appraisal. However, the appraisal did not justify the full time occupation of the mobile home and to prevent the application being refused the agents decided to withdraw the application with a view to resubmit with more supportive evidence. To date this has not been forthcoming and it would appear that the caravan is now connected to services and is being occupied by Mr and Mrs Oyston and used as a dwelling. A further site visit has been carried out which confirms this.

## **7. Reasons for Not Taking Enforcement Action**

In the absence of an agricultural need the siting and occupation of the mobile home is contrary to guidance in Planning Policy Statement 7, Annex A. The business does not appear to have been planned on a sound financial basis, insufficient information having been submitted with the recent Planning application to justify the forecast costs and incomes, contrary to guidance contained in Planning Policy Statement 7, Annex A.

Consequently, it represents unjustified development in the open countryside, increasing the likely need to travel by private transport, contrary to policies S1 (General Requirements) and S7 (Outside Settlement) of the Taunton Deane Local Plan and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

## **8. Recommendation**

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

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

**CONTACT OFFICER:**

**Mr John Hardy – Tel: 01823 356466**

## **Planning Committee – 18 November 2009**

### **Report of the Growth and Development Manager**

#### **Enforcement Item**

##### **Parish:**

1. **File/Complaint Number** E0194/08/08
2. **Location of Site** Four Winds, Upper Cheddon
3. **Names of Owners** Mrs F Roberts  
Four Winds  
Cheddon Fitzpaine  
TAUNTON  
TA2 8LA

4. **Name of Occupiers** Mrs F Roberts

##### **5. Nature of Contravention**

Erection of 1.97m and 2.3m High gates to cattery entrance at Four Winds, Upper Cheddon.

##### **6. Planning History**

The erection of a fence and high gates were first brought to the Council's attention on 2nd July 2008. A site visit was made on the 8th July 2008 when it was explained to Mrs Fitzgerald-Roberts that a Planning application would need to be submitted should she wish to retain the fence and gates. On 7th November 2008 a letter was sent enclosing further application forms. The application was submitted in November 2008 but was not registered until 16th July 2009. This application was subsequently refused under delegated powers on the 30th September 2

##### **7. Reasons for Taking Enforcement Action**

The development, by reason of it's height, design and siting, is considered to result in adverse visual impact to the detriment of the local character and distinctiveness of the area and is contrary to Taunton Deane Local Plan Policies S1(D) and S2(A).

##### **8. Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and take prosecution action subject to satisfactory evidence that the notice has not been complied with.



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

**CONTACT OFFICER: Mrs A Dunford Tel: 01823 356479**

## Planning Committee – 18 November 2009

### Report of the Growth and Development Manager

#### Enforcement Item

##### Parish:

1. **File/Complaint Number** E/0246/27/09
2. **Location of Site** Knapp Farm, Hillfarrance Road, Hillfarrance, Taunton, TA4 1AN
3. **Names of Owners** Mr M Peace  
Knapp Farm  
Hillfarrance Road  
Hillfarrance  
Taunton  
TA4 1AN
4. **Name of Occupiers** Mr M Peace
5. **Nature of Contravention** Occupied mobile home at Knapp Farm, Hillfarrance Road, Hillfarrance
6. **Planning History**

Knapp Farm is a Grade II listed building. An application was submitted to create a new access and parking area for the dwelling which was granted on 19th June 2009. In July of this year a complaint was received that a mobile home was brought to the site and sited on the adjoining field where the new access and parking area had been approved. An application was also submitted by the new owners of the property, Mr M Peace to carryout major refurbishments. Listed Building consent was granted on 25th August 2009. The mobile home was to be used by the owner whilst the refurbishment was being undertaken. However, the owner had business commitments and was unable to reside in the mobile home. Due to security concerns the owner allowed his daughter and partner to live in the caravan. This arrangement did not continue as the daughter has now taken up residence in part of the refurbished Knapp Farm. The mobile home is now occupied by persons unknown and who appear to have no connection with the owner of Knapp Farm.

**7. Reasons for Taking Enforcement Action**

It is considered that the occupation of the mobile home by persons not connected with the main dwelling is tantamount to a new dwelling in open countryside. Consequently, it represents unjustified development in the open countryside, increasing the likely need to travel by private transport, contrary to policies S1 (General Requirements) and S7 (Outside Settlement) of the Taunton Deane Local Plan and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

**8. Recommendation**

That the Solicitor to the Council be authorised to serve an Enforcement notice to secure the cessation of the residential occupation of the land and take prosecution action subject to satisfactory evidence having been obtained that the notice has not been complied with.

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

**CONTACT OFFICER: Mr J Hardy – Tel: 01823 356466**

## Planning Committee – 18 November 2009

### Report of the Growth and Development Manager

#### Enforcement Item

#### Parish:

1. **File/Complaint Number** E/0314/38/09
2. **Location of Site** Eastwick Farm, Eastwick Road, Taunton, TA2 7HY
3. **Names of Owners** Mr C Mitchell  
9 Fore Street  
Williton  
Somerset  
TA4 4PX
4. **Name of Occupiers** Mitchell Architects
5. **Nature of Contravention**

Development not as approved plans together with unauthorised boundary fence at Eastwick Farm, Eastwick Road, Taunton

6. **Planning History**

A Planning application was received in May 2006 for the redevelopment of Eastwick Farm to provide 24 flats with associated parking. This was subsequently approved in August 2006. The development commenced and is now nearing completion. A complaint was received in October 2009 informing the Council that the development appeared to have exceeded the boundary of the site and therefore the approved plans had not been adhered to. Also a 1.8 metre high fence had been erected on an area of land outside the approved site. A site visit was carried out and the owner contacted in October 2009 alerting him to the fact that the works carried out, comprising of car parking spaces and bin storage together with the erection of a timber fence was unauthorised. The bin store has been sited on the land outside of the application site and not in the purpose built building approved under the permitted scheme. Investigations are under way with regards to the ownership of the land, outside of the application site, with our legal division. Currently the development is being marketed through a local estate agent.

**7. Reasons for Taking Enforcement Action**

It is considered that the bin and bike store should be built in accordance with the approved plans under Planning approval 38/06/0198. Cessation of the unauthorised development of land to the east of the site together with the removal of the unauthorised wooden fence and the reinstatement of the land to its original condition including the boundary hedging as approved thereby complying with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4 and Policy S1E

**8. Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice to ensure compliance with the approved plans and take Prosecution Action subject to obtaining satisfactory evidence that the notice has not been complied with.

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

**CONTACT OFFICER: Mrs A Dunford – Tel: 01823 356479**

## **Planning Committee – 18 November 2009**

### **Report of the Growth and Development Manager**

#### **Enforcement Item**

##### **Parish:**

- |           |                                |   |
|-----------|--------------------------------|---|
| <b>1.</b> | <b>File/Complaint Number</b>   | E0365/27/2006   |
| <b>2.</b> | <b>Location of Site</b>        | Land southwest of Allerford Farm known as 'Gaia'                        |
| <b>3.</b> | <b>Names of Owners</b>         | William Salter and Daphne Hawkins, Gaia, Hillfarrance, Taunton, TA4 1AN |
| <b>4.</b> | <b>Name of Occupiers</b>       | As above  |
| <b>5.</b> | <b>Nature of Contravention</b> | Residential occupation of land  |
| <b>6.</b> | <b>Planning History</b>        |   |

In October 2006 it was brought to our attention that an area of land formerly associated with a local farm had been sold. The purchasers had brought onto site various items including portable buildings, equipment and animals. The owners were invited to discuss their future intentions for the land and they were advised that further buildings may require planning permission. An Agricultural notification was received for the erection of a machinery store and hay barn. This was approved in April 2009. Information was received approx 10 weeks ago that the owners had taken up residence in one of the portable buildings on the site. This coincided with the death of Mr Salter's mother whom he was living with in Nynehead. It was difficult to arrange contact with Mr Salter so a Planning Contravention Notice was served requesting information regarding the occupation of the land. The answers given confirmed that Mr Salter and Mrs Hawkins were residing on the land without planning permission.

## **7. Reasons for Taking Enforcement Action**

No evidence has been provided to justify that there is a proven agricultural need to reside on the land and due to the size of the holding it is unlikely that the enterprise would satisfy the criteria. Therefore the residential occupation of the land is contrary to guidance contained in Planning Policy Statement 7, Annex A. Consequently, it represents unjustified development in the open countryside, increasing the likely need to travel by private transport, contrary to policies S1 (General Requirements) and S7 (Outside Settlement) of the Taunton Deane Local Plan and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

## **8. Recommendation**

That the Solicitor to the Council be authorised to serve an Enforcement notice to secure the cessation of the residential occupation of the land and take prosecution action subject to satisfactory evidence having been obtained that the notice has not been complied with.

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

**CONTACT OFFICER:**

**Mr John A W Hardy Tel: 01823 356466**

## **Planning Committee – 18 November 2009**

### **Report of the Growth and Development Manager**

#### **Enforcement Item**

##### **Parish:**

- |           |                                |                         |
|-----------|--------------------------------|-------------------------|
| <b>1.</b> | <b>File/Complaint Number</b>   | E370/38/2005            |
| <b>2.</b> | <b>Location of Site</b>        | 1 Trevett Road, Taunton |
| <b>3.</b> | <b>Names of Owners</b>         | Mr and Mrs Mogg         |
| <b>4.</b> | <b>Name of Occupiers</b>       | Property is rented      |
| <b>5.</b> | <b>Nature of Contravention</b> |                         |
- Provision of raised decking area



## **6. Planning History**

A complaint was received in November 2005 that a large decking area had been constructed at first floor level. The owners were informed that planning permission was required but delayed in submitting an application until January 2006. Members will recall that authorisation to take enforcement action was given on 17<sup>th</sup> May 2006. The notice was served on 23<sup>rd</sup> June 2006 but was not complied with. The owners decided to appeal against the refusal of planning permission following discussions with the Planning Officer. The appeal was subsequently dismissed on 6<sup>th</sup> December 2006. The Inspector intimated that if modifications were carried out to the structure it may be more acceptable. Discussions took place again between the owners and the Planning Officer and a further Planning application was submitted in February 2007 incorporating modifications. In fact the works were carried out prior to the application being submitted. This involved provision of timber fencing, a trellis and planting. This application was subsequently refused on 12<sup>th</sup> March 2007.

The main concerns are the effect the structure has on the character and appearance of the area and on the living conditions of the occupiers of 127 Galmington Road. The owners have since moved to Spain and have let the property. Mrs Mogg flew over for a visit and whilst here met with the Enforcement Officer to discuss what needs to be done about the structure. As the notice has not been complied with the Local Authority has two courses of action:

- (1) take prosecution action for non-compliance with the enforcement notice which has already been authorised and
- (2) instigate direct action to remove the structure in compliance with the notice.

Mrs Mogg stated that it was impossible for her to arrange to remove the structure as she was flying back to Spain. She was informed that if the Local Authority removed the structure there would be a charge put on the property so that when it was sold the Authority would recoup the cost of the works. She was quite happy for that to happen.

## **7. Reasons for Taking Enforcement Action**

The development has been the subject of two refused planning applications, an enforcement notice and a dismissed appeal. There is still an adverse visual impact when viewed from Trevett Road and an adverse impact on the neighbour due to overlooking from the steps to deck.

## **8. Recommendation**

Members are asked to authorise direct action to demolish the unauthorised structure.

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

**CONTACT OFFICER: Mr John A W Hardy – 01823 356466**

## Planning Committee – 18 November 2009

### Report of the Legal Services Manager

#### Results of Enforcement Action Taken

1. **File/Complaint Number:** E102/29/2007
2. **Location of Site:** Lower Fyfett Farmhouse, Otterford, Chard, TA21 3QP
3. **Names of Owners:** Mr J M Terry
4. **Nature of Contravention:** Change of Use of Agricultural Land to Form Access Drive to Residential Dwelling

5. **Planning History**

At a meeting of the Planning Committee on 16 April 2008 it was resolved that the Solicitor to the Council be authorised to serve an Enforcement Notice and take prosecution action should the Enforcement Notice not be complied with.

The Enforcement Notice was served but not complied with resulting in the Council taking prosecution action for non-compliance with the requirements of an Enforcement Notice.

The case was heard in the Magistrates' Court on Thursday, 29 October 2009. The Owner pleaded guilty to the charge and was fined £2000 and ordered to pay £50 costs.

Members are **recommended** to note the report.

Contact Officer : Maria Casey 01823 356413 or  
[m.casey@tauntondeane.gov.uk](mailto:m.casey@tauntondeane.gov.uk)

## Appeals Received : For Committee Agenda : 18 November 2009

Appeal Proposal	Start Date	Application Number
CONVERSION OF BARN TO FORM DWELLING AND ERECTION OF DOUBLE GARAGE FOR THE VICARAGE, PARSONAGE LANE, MILVERTON, AS AMENDED BY PLANS 1023/P2AND 1023/P20 AND STATEMENT FROM AGENT RECEIVED 9TH JUNE 2009	02 NOVEMBER 2009	23/09/0010
EXTENSIONS TO BARNS TO FORM TEA ROOM/RESTAURANT NERROLS FARM, NERROLS FARM LANE, CHEDDON FITZPAINE, TAUNTON	09 NOVEMBER 2009	E/0342/08/08

## Appeal Decisions for Committee Agenda – 18 November 2009

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/A/09/2111352/ NWF	Residential Development comprising 19 No. 2 and 3 Bedroomed Affordable Houses with Parking, Access Road and Associated and Associated Works at Nynehead Road, Poole, Nynehead, as amended by Letter dated 30 January 2009 with accompanying Drawing No 08/114/02 Rev A	Development in the countryside not adjoining a recognised settlement and harming the rural character of the area; unsustainable location fostering the growth in the need to travel Noise from local railway line would have adverse impact on amenities of residents.	26/08/0011	The appeal has been WITHDRAWN by the Agent.
APP/D3315/D/09/2113720	Erection of a Free Standing Motor Cycle Storage Unit on the Concrete Hardstanding of the Property at 142 Eastwick Road, Taunton	The storage unit is considered unsatisfactory by reason of its projection forward of the main front wall of the existing dwelling, constituting an obtrusive element in the street scene which will detract from the visual amenity of the area. The proposal is contrary to Policies. The proposed development if permitted is likely to encourage	38/09/0155	The Inspector considered the storage unit is in a prominent position and particularly visible from the street as well as from the adjoining property. The scheme has been awkwardly positioned and appears incongruous and out of keeping. To allow the appeal would make it more difficult for the Council to resist other similar proposals. Therefore the appeal was DISMISSED.

		similar proposals in respect of the adjoining land which might be difficult to resist the cumulative effect of which if permitted would further detract from the character and visual amenity of the area.		
APP/D3315/A/09/2109313/WF	Erection of Two Storey Dwelling on Land adjacent to Park House, 28 Lethbridge Park, Bishops Lydeard	The site lies beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. The proposed development is likely to have a detrimental impact on boundary trees, including ones the subject of a Tree Preservation Order,	06/08/0081	The Inspector considered that the proposal would erode efforts towards creating sustainable settlement patterns, as sought by relevant national and local planning policies. It must be regarded as an inappropriate form of rural housing development which would cause significant harm. With regard to the landscape issues, the Inspector considered it likely that the scheme would cause some weakening of the perimeter tree belt, quite possibly with harm to the health of those specimens which are statutorily protected. New tree cover to compensate for such prospective loss would not be feasible. The appeal was DISMISSED.

**TDLP** = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park



## Planning Committee – 18 November 2009

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Bowrah, Brooks, Mrs Copley, Critchard,  
Denington, Mrs Floyd, C Hill, House, Miss James, McMahon and  
D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr J Hamer  
(Development Control Area Manager, West), Mr M Bale (Principal  
Planning Officer), Mr G Clifford (Area Planning Manager, South), Mr A  
Pick (Principal Planning Officer, West), Mrs J Jackson (Legal Services  
Manager), Ms M Casey (Planning and Litigation Solicitor) and Mr R  
Bryant (Democratic Services Manager)

Also present: Councillors Coles and Court, Govier (in relation to application No  
43/09/0082) and Williams (in relation to application No 19/09/0007LB)

(The meeting commenced at 5.00 pm)

### 118. Apologies

Apologies: Councillors Ms Durdan and Watson.

### 119. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. The Chairman (Councillor Mrs Hill) declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Coles declared a personal interest as a Director of Southwest One. Councillors Bowrah, Critchard and Mrs Copley declared personal interests as Members of Wellington Town Council. Councillor Govier declared personal interests both as a Member of Somerset County Council and Wellington Town Council

### 120. Applications for Planning Permission

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

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

**10/09/0024**

**Erection of agricultural storage shed at Vencroft Farm, Churchstanton  
(retrospective - resubmission of 10/08/0023)**

**Conditions**



- (a) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of the commencement of development.
- (a) (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

**Reason for granting planning permission:-**

The proposal was considered not to harm the landscape character of the Area of Outstanding Natural Beauty and would not harm neither visual nor residential amenity. Accordingly the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H17 (Extensions to dwellings) and EN10 (Areas of Outstanding Natural Beauty).

**Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-**

The Committee considered that the building was not out of place in its current setting and that local views had indicated that flooding was unlikely to be an issue.

**21/09/0020**

**Erection of a dwelling in the garden of 5 Swifts, Langford Budville  
(resubmission of 21/08/0029)**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (c) Prior to the commencement of the development hereby permitted a visibility splay shall be provided to the north-east of the proposed access such that there is no obstruction to visibility greater than 900mm above the adjoining carriageway level in the area coloured green on the attached plan unless otherwise agreed in writing by the Local Planning Authority. The visibility splay once constructed shall be thereafter maintained as such, being permanently kept free from obstruction;

- (d) Prior to the commencement of the development hereby permitted, full details of the proposed retaining wall including finishes, height and location (to accord with condition (c) above) together with details of the finish for the area between the retaining wall and the back of the footway. The wall shall be constructed prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such;
- (e) Prior to the commencement of the development hereby permitted, full details of the proposed site levels and finished floor levels of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and shall thereafter be maintained as such;
- (f) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no extensions or roof alterations shall be carried out to the dwelling hereby permitted and no fences, gates, walls or other means of enclosure shall be constructed on or around the site other than that expressly authorised by this permission without the further grant of planning permission.

**Reason for granting planning permission:-**

The proposed development provided sufficient amenity space and the site was adequate for the size of dwelling proposed. The proposed dwelling did not dominate the street scene, was compatible with the surrounding area and did not completely mask views of the church. The character and appearance of the Conservation Area and setting of nearby listed buildings was preserved and the development therefore accorded with Policies S1, S2 and EN14 of the Taunton Deane Local Plan, Policy 9 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-**

The Committee was of the view that the proposed dwelling was of a suitable size to be accommodated on the site, there was sufficient amenity space, the proposal did not dominate the street scene and that the views from the churchyard would not be masked by the development.

**27/09/0020REX**

**Erection of a horticultural nursery to include poly tunnel and construction of access at land south of Harris's Farm, Hillcommon (to replace extant permission 27/06/0015)**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the

building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority;

- (c) (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority;
- (d) Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (e) Details of arrangements to be made for the prevention of surface water being discharged onto the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall be provided before the proposed access is brought into use;
- (f) Prior to commencement of the development hereby approved, details of any entrance gates to be erected shall be submitted to, and approved in writing by, the Local Planning Authority and retained as such thereafter. Any such gates shall be hung to open inwards and shall be set back a minimum of 10m from the carriageway edge;
- (g) The existing access shall be permanently closed when the access hereby permitted is brought into use. Details of the means of closure shall be submitted to, and approved in writing by, the Local Planning Authority before any part of the development is commenced;
- (h) The visibility splays shown on the submitted plan 18274/001/SK01/A shall be constructed prior to the commencement of the use of the premises and unobstructed visibility shall be provided above a height of 300 mm from adjoining carriageway level and thereafter be maintained to the satisfaction of the Local Planning Authority;
- (i) Before any work is commenced, details of the levels and construction details of the access and driveway shall be submitted to, and approved in writing by, the Local Planning Authority and no variation from the approved levels shall take place without the express written consent of the Local Planning Authority;
- (j) Prior to the new access and drive being brought into use, it shall be hard surfaced in tarmacadam or such other material as shall be agreed in writing by the Local Planning Authority for a distance of 10m back from the edge of the carriageway;
- (k) Prior to commencement of works on site, a full wildlife survey shall be undertaken by a qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey

and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;

- (l) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place;
- (m) No external lighting shall be installed on site without the prior written consent of the Local Planning Authority;
- (n) The development hereby approved shall only be used for nursery/ horticultural purposes only as described in the applicants e-mail dated 29 September 2006;
- (o) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no additional floors, including mezzanine floors shall be erected in the development hereby approved without the express grant of planning permission unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that the soakaway should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised that any alteration to the footpath, route or surface, must be authorised by the County Council. The path must remain open and unobstructed at all times; (3) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.)

### **Reason for granting planning permission:-**

There had been no significant change in policy guidance or material considerations since the previous permission was granted on the 12 October 2006, reference No 27/06/0015. It was therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission was acceptable. The proposal accorded with Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

**38/09/0324**

**Erection of 2 semi-detached houses on land between 2A and 3 Burns Road, Taunton (resubmission of 38/09/0241)**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;

- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
  - (c) The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access;
  - (d) Before the building hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel). It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwelling;
  - (e) Before any part of the development hereby permitted is commenced, there shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall thereafter be maintained at all times;
  - (f) The area allocated for parking on submitted drawing No 09009 L 01 02 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the existing dwelling, No. 3 Burns Road and the dwellings hereby permitted;
  - (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
  - (h) The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2m x 2m;
  - (i) All services shall be placed underground;
  - (j) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no extensions, other alterations (including balconies, windows) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
  - (k) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
  - (l) None of the dwellings shall be occupied until works for the disposal of surface water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
  - (m) Prior to the commencement of development, details of the bin stores shall be submitted and agreed in writing with the Local Planning Authority.
- (Notes to applicant:- (1) With reference to Condition (l), applicant was informed that any soakaways should be constructed in accordance with

British Research Digest 365 (September 1991). Should porosity tests show that ground conditions are unfavourable then a suitably sized retention tank incorporating an outflow limiting device should be used; (2) Applicant was advised to contact the Council's Housing Property Manager and the Assets Holding Manager prior to the commencement of development to seek any necessary consents as the land is former Taunton Deane land; (3) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant was advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Highways Office, Burton Place, Taunton. Application for such a permit should be made at least four weeks before access works are intended to commence; (4) Applicant was advised that it will be necessary for the developer to agree points of connection with Wessex Water, for water supply and the satisfactory disposal of foul flows. The applicant should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.)

#### **Reason for granting planning permission:-**

The proposed dwellings had been designed to be in keeping with surrounding properties and to avoid harm to the street scene and the residential amenities of nearby dwellings. Sufficient car parking was provided, in view of the close proximity of the town centre and the proposal was not considered to result in detriment to highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements) and S2 (Design) of the Taunton Deane Local Plan.

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

**08/09/0010**

**Erection of single storey dwelling on land to the north of the former Maidenbrook Farmhouse, Cheddon Fitzpaine**

#### **Reasons**

- (a) The proposed dwelling by reason of its juxtaposition with the A3259, the adjacent farmhouse and barn conversions would be out of keeping with the character of the area and detrimental to the setting of the listed building. Furthermore there is no evidence of any previous buildings on this land and therefore no historic justification for the resultant intrusion and harm to the setting of the listed farmhouse. The proposal is therefore considered to be contrary to Taunton Deane Local Plan saved Policies

S1(D) and S2(A), Somerset and Exmoor National Park Joint Structure Plan Policy 9 and Planning Policy Guidance Note 15 Planning and the Historic Environment, and Section 6.6 (1) of the Planning (Listed Building and Conservation Areas) Act 1990;

- (b) The proposed dwelling would be located on land considered to be important to maintain the rural character of the transition zone between the developed land to the south and the open countryside to the north of the A3259 and it is considered that the proposed dwelling would result in an urbanisation of the area out of keeping with and detrimental to the character and appearance of the area and contrary to Taunton Deane Local Plan Policies S1 (D) and S2 (A).

### **19/09/007LB**

#### **Erection of single storey extension to west elevation at Buttles Lodge, Village Road, Hatch Beauchamp**

##### **Reason**

The proposal, by reason of the alterations to the classical, intact, principal facade, would have a significant, irretrievable and seriously detrimental impact on the character of this Grade II Listed Building without adequate justification. In addition, the proposed extension would unbalance the near symmetry of the extant building, hence compromising its compact composition, all of which is contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and PPG15.

#### **121. Demolition of nursery buildings and redevelopment to provide up to 113 dwellings, 3121 square metres of employment land Class B1 (non-office) and B8, open space, revised access and associated highway improvements at Rylands Nurseries and Sunnymead, Bagley Road, Rockwell Green, Wellington (43/09/0082)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to provide the following:-

- (1) 30% of the development to be 'affordable housing' of which two thirds to be social rented and one third to be an intermediate 'rent-to-buy' product;
- (2) A contribution of £281,911 (£2,494.79 per dwelling) towards improvements to the capacity of Rockwell Green Primary School;
- (3) The provision of on-site play facilities catering for 0-17 year olds, plus a commuted sum for maintenance;
- (4) A contribution of £1,023 per dwelling towards off-site active recreation provision and sports pitches, to be spent within a 2 mile radius of the site;

- (5) A contribution of £30,000 towards improvements to Rockwell Green Village Hall or other community facilities within a 2 mile radius;
- (6) The developer to agree a travel plan and implement it, including a payment of £300 per dwelling towards a green travel voucher; and
- (7) The payment of £5000 towards improvements to the strategic cycling network within the vicinity of the development,

the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, and if outline planning permission was granted, the following conditions be imposed:-

- (a) No development shall commence until approval of a Residential Phasing Scheme for the site has been obtained from the Local Planning Authority in writing and no development of any Phase shall commence until the details of the layout, scale, appearance and landscaping of the Phase (hereinafter called 'the reserved matters') have been obtained from the Local Planning Authority in writing. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission in the case of the residential development and five years from the date of this permission in the case of employment development. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The employment buildings shall be limited to uses within Classes B1 (b) and (c) and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended and for no other purpose;
- (c) Prior to the occupation of 50% of the dwellings, Freehold Serviced Employment Land shall have been provided in accordance with details which shall have been agreed in writing by the Local Planning Authority prior to the commencement of the development. For the purpose of this permission, Freehold Serviced Employment Land means land that has the benefit of a junction to Bagley Road built to an adoptable standard and which extends into the site at least as far as the turning head indicated in the southwest corner of the site on drawing No CD926 SP 10 and that has been cleared and levelled ready for development and has adequate mains electricity/water/surface water drainage and foul drainage available to it at no cost unless otherwise agreed in writing by the Local Planning Authority;
- (d) The Freehold Serviced Employment Land required by condition (3) shall be marketed at market value in accordance with a marketing scheme that shall be agreed in writing by the Local Planning Authority prior to the commencement of the development of the Freehold Serviced Employment Land;
- (e) Noise from any part of the premises or land to which this permission refers shall not exceed background levels by more than 5 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the façade of any residential or



noise sensitive boundary - Monday-Friday 0800-1800; Saturday 0800-1300.

At all other times including Sundays and Public Holidays, noise emissions shall not be audible when measured at any point at the façade of any residential or noise sensitive boundary. Noise emissions having tonal characteristics, for example hum, drone or whine shall not exceed background levels at any time, 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 90th percentile level measured at an appropriate time of day and for a suitable period of not less than 10 minutes;

- (f) No dwellings shall be occupied until the pedestrian/cycle link has been formed from the site to Blackdown Road, as indicated in drawing No 19683/001/010/A and in accordance with further details that shall be submitted and approved in respect of condition (a);
- (g) No development shall be occupied until the works to the public highway indicated in Drawing Nos 19683/001/002 revision C and 19683/001/004 revision A submitted as part of the Transport Assessment have been completed, unless otherwise agreed in writing by the Local Planning Authority;
- (h) Prior to the occupation of any dwellings hereby permitted, a removable obstruction shall be installed and thereafter retained as such on the link between the development and Blackdown Road that can only be removed by the emergency services, such that access to the general public is only available via foot or cycle, in accordance with details that shall be submitted in accordance with condition (a);
- (i) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details that shall have been submitted to and agreed in writing before their construction begins, or as part of the details submitted in accordance with condition (a). For this purpose the details shall include plans and sections, indicating as appropriate the design, levels gradients, materials and method of construction;
- (j) The proposed estate roads, including footpaths and turning spaces where applicable shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing public highway;
- (k) Prior to the commencement of the development hereby permitted, full details of the treatment of the boundary between the site and Rylands Industrial Estate to the south and west shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed details shall be implemented prior to any development (except site clearance) taking place and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (l) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority.

The strategy shall be based on the advice of Sunflower Ecological Consultancy's submitted report, dated October 2008 and up to date surveys and include:- Details of protective measures to include method statements to avoid impacts on slow worms during all stages of development; Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance; Measures for the enhancement of places of rest for wildlife.

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

- (m) No development hereby permitted shall take place until a surface water run-off limitation scheme has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the agreed programme and details;
- (n) No development other than the demolition of the existing buildings and site clearance, or that required to be carried out as part of an approved scheme of remediation, shall commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

(a) Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:-
- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 01, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 02, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 03.

(e) Long Term Monitoring and Maintenance - If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate

- the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11';
- (o) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site shall be submitted to, and approved in writing by, the Local Planning Authority as part of the reserved matters submission required by condition (a). The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority;
  - (p) Prior to the commencement of the development hereby permitted, the hedges and trees indicated as to be retained on plans submitted in accordance with condition (a) shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge or tree canopy and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered unless otherwise agreed in writing by the Local Planning Authority;
  - (q) The development shall provide public open space and a children's play area in accordance with details that shall be submitted in respect of condition (a). The areas shall be laid out prior to the occupation of 50% of the dwellings hereby permitted and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority;
  - (r) Prior to its installation, details of any street lighting or any exterior lighting to be installed around the industrial buildings shall be submitted to, and agreed in writing by, the Local Planning Authority. The details shall include the type of lighting, its position and hours of operation. The lighting shall be installed in accordance with the agreed details and the agreed hours of operation shall thereafter be strictly adhered to;
  - (s) The hours of working on site during construction shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays and no working shall take place on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The term 'working' shall for the purposes of clarification of this condition include:- the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant/machinery, deliveries to the site and movement of vehicles within the site.

(Notes to applicant:- (1) Applicant was advised that it is expected that the development will be laid out in accordance with drawing No CD926 SP 10 received 19 October 2009, which indicates the means of access hereby approved and the layout principles for the development; (2) Applicant was advised that the marketing strategy required by condition (d) is expected to demonstrate how the employment sites will be marketed and sold to individual businesses rather than sold as an entity to a speculative developer; (3) Applicant was reminded that condition (l) relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a

mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation should be 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 permission) must comply with the appropriate legislation; (4) Applicant was recommended to investigate and specify appropriate Sustainable Drainage Systems (SuDs) for surface water disposal from this site, in order to reduce the rate of run off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:- (a) Interception and reuse; (b) Porous paving/surfaces; (c) Infiltration techniques; (d) Detention/attenuation; and (e) Wetlands. A copy of the Environment Agency's leaflet on Sustainable Drainage Systems is available on request; (5) Applicant was advised that the surface water drainage required by condition (m) for the proposed development must meet the following criteria:- (a) Any outflow from the site must be limited to greenfield run-off; (b) The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume); (c) If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing; (d) Adoption and maintenance of the drainage system must be addressed and stated. Details of the proposed methods to meet these criteria should be submitted in due course for the Environment Agency to recommend the relevant planning condition be discharged; (6) Applicant was advised that any culverting of a watercourse requires the prior written approval of the Environment Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings; (7) Applicant was advised that there must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively; (8) Applicant was advised that the Environment Agency would like the developer to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction; (9) Applicant was advised that in England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.)

### **Reasons for outline planning permission, if granted**

The proposal provided for a mix of residential and employment development that helped to promote the self-containment of Rockwell Green and

Wellington in accordance with Policy B of the emerging Regional Spatial Strategy. It provided a good, well considered use for the existing previously used site, which was within a reasonable walking distance of local schools, shops and bus services. It was considered to be a sustainable development that would have an acceptable impact upon the local highway network, wildlife, local schools and open space, in accordance with Policies SD1, SD3, CSS, D, H3, CS1, SK1 and GI7 of the emerging Regional Spatial Strategy, Policies S1, S2, EN3, M1, M2, M3, M4, C1 and C4 of the Taunton Deane Local Plan, Policies STR1, STR4, 1 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statements 1 and 3.

**122. Proposed development at Station Farm, Bishops Lydeard : Affordable Housing provision**

Reference Minute Nos 49, 50, 51, 52 and 53/2008, reported that discussions had been continuing with regard to the content of the Section 106 Agreement relating to the applications for development at Station Farm, Bishops Lydeard which had been considered by the Committee on 21 May 2008.

The one outstanding item was in respect of the affordable housing contribution. The applicants had approached the Council requesting that the provision of affordable housing be reduced from the previously agreed 14 units (comprising rented, shared ownership units and low cost open market units) to 8 units to be provided through a Registered Social Landlord (RSL) for social rented or other such tenure as shall be agreed with Taunton Deane.

The proposals sought to bring about the expansion of facilities at the southern terminus of the West Somerset Railway, the provision of new tourist facilities, some employment and other leisure development and housing, both open market and affordable. The latter was incorporated in order to “enable” the other elements of the development to take place.

Progress on concluding the Section 106 Agreement had stalled due to the underlying financial viability, having regard to the cost of the facilities to be provided, the cost of substantial off-site road works (and other servicing) and a significant fall in value of residential development land.

The revised proposal with regard to affordable housing provision clearly made the scheme more commercially viable in the current economic climate and should enable the proposed development to come forward. The proportion of affordable units would still be in excess of 20%, which was a reasonable contribution given the cost of off-site highway works and less financially lucrative tourism and employment elements.

Noted that even with the proposed adjustment to the Section 106 Agreement requirements, it still had to be assumed that there had to be some increase in underlying residential land values in order to make the scheme deliverable. The proposed change would make this more probable over the next three years.

**Resolved** that the affordable housing provision for the development at Station Farm, Bishops Lydeard be reduced from the previously agreed 16 units to 8 units and the proposed Section 106 Agreement be amended accordingly.

**123. Stationing of a mobile home on land at Bullockfield Hill, Stawley, Wellington**

Reported that it had come to the Council's attention that an area of land at Bullockfield Hill, Stawley, Wellington was being used without planning permission to station a mobile home used for residential occupation.

Although the owner had submitted a planning application to use the mobile home in connection with a small holding, an agricultural appraisal had shown that full time occupation of the mobile home could not be justified. The application had therefore be withdrawn but the mobile home was still occupied.

**Resolved** that:-

- (i) Enforcement action be taken to remove the unauthorised mobile home being used for residential purposes on land at Bullockfield Hill, Stawley, Wellington; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**124. Erection of gates to cattery entrance at Four Winds, Upper Cheddon, Cheddon Fitzpaine**

Reported that it had come to the Council's attention that a high fence and gates had been erected without planning permission at the entrance to Four Winds, Upper Cheddon, Cheddon Fitzpaine.

The owners of the property had been contacted and although a planning application had been submitted, it had subsequently been refused under delegated powers. Despite this, no action to remove the fence and gates had been taken.

**Resolved** that:-

- (i) Enforcement action be taken to remove the unauthorised high fence and gates which had been erected at the entrance to Four Winds, Upper Cheddon, Cheddon Fitzpaine; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**125. Stationing of a mobile home on land at Knapp Farm, Hillfarrance Road, Hillfarrance, Taunton**

Reported that an area of land at Knapp Farm, Hillfarrance Road, Hillfarrance, was being used without planning permission to station a mobile home used for residential occupation.

The mobile home had been located on the land in connection with major refurbishment works that had been carried out to Knapp Farmhouse, the adjoining property, and had been occupied by a member of the owner's family.

However, the mobile home was currently occupied by persons unknown who appeared to have no connection with the owners of Knapp Farmhouse.

**Resolved that:-**

- (i) Enforcement action be taken to remove the unauthorised mobile home being used for residential purposes on land at Knapp Farm, Hillfarrance Road, Hillfarrance; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**126. Development not as approved plans together with unauthorised boundary fence at Eastwick Farm, Eastwick Road, Taunton**

Reported that a complaint had been received that it appeared the new development at Eastwick Farm, Eastwick Road, Taunton exceeded the boundary of the site and that a 1.8m high wooden fence had been erected on an area of land outside of the site.

This complaint had been investigated and it had been found that the works carried out, comprising of car parking spaces and bin storage together with the erection of a timber fence was unauthorised.

**Resolved that:-**

- (i) Enforcement action be taken to ensure compliance with the approved plans in respect of the development at Eastwick Farm, Eastwick Road, Taunton; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**127. Use of portable buildings on land at Gaia, Hillfarrance, Taunton**

Reported that it had come to the Council's attention that an area of land south-west of Allerford Farm, Hillfarrance known as 'Gaia' was being used without planning permission to station a number of portable buildings used for residential occupation.



**Resolved that:-**

- (i) Enforcement action be taken to remove the unauthorised portable buildings being used for residential purposes on land at Gaia, Hillfarrance; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**128. Provision of a raised decking area at 1 Trevett Road, Taunton**

Reference Minute No. 65/2006, reported that despite an enforcement notice being served, a planning application being submitted which was refused and protracted discussions with the owners of 1 Trevett Road, Taunton, the unauthorised decking area was still in position.

Reported that at the most recent meeting with the owners, the removal of the structure to ensure compliance with the enforcement notice had been discussed. As the owners currently lived abroad, they had indicated that they would be content for the Council's contractors to remove the unauthorised structure. A charge would be placed on the property so that when it was sold, Taunton Deane would recoup the cost of such works.

**Resolved** that direct action to demolish and remove the unauthorised structure at 1 Trevett Road, Taunton be authorised.

**129. Enforcement Action – Lower Fyfett Farmhouse, Otterford, Chard**

Reference Minute No. 40/2008, reported that the enforcement notice served in respect of the change of use of agricultural land to form an access drive to Lower Fyfett Farmhouse, Otterford, Chard had not been complied with.

Accordingly, proceedings had been taken against the owners in the Magistrates' Court on 29 October 2009. The owners had pleaded guilty to the charge of failing to comply with the notice and had been fine £2,000 and ordered to pay £50 costs.

**Resolved** that the report be noted.

**130. Appeals**

Reported that two appeal decisions had recently been received, details of which were submitted. Both had been dismissed. One further appeal had been withdrawn.

Also reported that two new appeals had been lodged, details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 8.17 pm.)