

## **Planning Committee**

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 19 October 2011 at 17:00.

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### **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 48/10/0023 – Proposed development of 51 residential dwellings with associated access, roads, footways, drainage, parking and landscaping at The Hatcheries, Bathpool, Taunton
- 5 46/11/0020 – Change of use of land to site mobile home for use as agricultural workers dwelling at Alebar Farm, Blackmoor, West Buckland (retention of works already undertaken)
- 6 05/11/0037 – Demolition of dwelling and erection of 4 no dwellings with associated parking and 1 no garage at Milanwil, Mountway Close, Bishop's Hull, Taunton
- 7 E/0060/19/11 - Erection of fencing and laying of hardstanding at corner of Mill Lane and Stocks Lane, Hatch Beauchamp
- 8 Planning Appeals - The latest appeal decision received (attached)

Tonya Meers  
Legal and Democratic Services Manager

12 January 2012

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.

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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)**

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### **Planning Committee Members:-**

Councillor C Bishop	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor J Allgrove	
Councillor R Bowrah, BEM	
Councillor B Denington	
Councillor A Govier	
Councillor C Hill	
Councillor M Hill	
Councillor L James	
Councillor N Messenger	
Councillor I Morrell	
Councillor J Reed	
Councillor F Smith	
Councillor P Tooze	
Councillor P Watson	
Councillor A Wedderkopp	
Councillor D Wedderkopp	
Councillor G Wren	

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Govier and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren
- Daughter works as an administrator in Development Control – Councillor Mrs Reed

STRONGVOX HOMES

**PROPOSED DEVELOPMENT OF 51 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS, ROADS, FOOTWAYS, DRAINAGE, PARKING AND LANDSCAPING AT THE HATCHERIES, BATHPOOL, TAUNTON**

Grid Reference: 325637.126215

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Permission be granted subject to the provision of acceptable revised highway plans and the applicant entering into a Section 106 agreement to secure the following:

Transportation- A package of highway improvements including :-

1. The design, construction and funding of a Right Turn Lane junction at the site access.
2. The design, construction and funding of a Toucan crossing on the A38 to the north east of the site
3. Implementation of an approved Full Travel Plan for the development, such travel plan to have been agreed in full prior to the signing of the s106 agreement (prior to reserved matters or commencement of the development), appended to the agreement and supported by a full travel plan schedule which contains a full range of measures to assist with sustainable travel including residential cycle parking
4. Residential travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property, to aid with uptake of smarter travel choices
5. Smarter travel management fund of £5000 to aid with the provision of matters such as on-site cycle servicing for residents and other events/one-off promotions to assist a travel plan coordinator promote sustainable travel, for the initial period of the travel plan
6. Bus stops and shelters on both sides of the road between Bathpool and Brittons Ash at a location and specification to be agreed with the Highways Authority

2 Affordable housing -

13 units comprising 100% intermediate rent.

3 Education

- i) Financial contributions for the provision of 6 primary school places and 3 secondary school places at a total of £128,949.
- ii) payments to be phased with 50% payable at the commencement of development and 50% on the commencement of the final 50% of dwellings.

4) Leisure \_

- i) The provision of £56,100 towards recreation facilities

- ii) The provision of £68,200 towards off site open space provision.

In the event that the Section 106 agreement is not signed within 3 months, the Growth and Development Manager be authorised to refuse planning permission or agree an extension

Recommended Decision:

The proposal, for residential development, is located on a Taunton Deane Local Plan allocated site where the principle of new housing is considered acceptable. It is considered that the development would not have a detrimental impact upon visual or residential amenity and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies T8 (Major site allocation); T9 (East of Monkton Heathfield); S1 (General Requirements), S2 (Design), C1 (Education provision for New Housing) ; C4(Standards of provision) and M4 (Residential Parking Provision).

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

(A2) DrNo 0368/100 Topographical Survey  
(A1) DrNo 0368/01 Rev A Survey - General Arrangement  
(A3) DrNo 0368/101 Location Plan  
(A2) DrNo 0368/102 rev E Planning Layout  
(A2) DrNo 0368-103 rev D Street Scenes  
(A1) DrNo 0368-104/1 rev F External Works Layout  
(A1) DrNo 0368-106/1 External detailing  
(A2) DrNo 0368-108 rev D Materials Layout  
(A2) DrNo 0368/110 Bin and Cycle Store  
(A1) DrNo 185.09.PP01 rev G Planting Plan  
(A2) DrNo 0368-107 rev E Adoption Plan  
(A1) DrNo 0368-105 rev A Vehicle Tracking Layout  
(A0) DrNo 0368-302A Road Long Sections  
(A2) DrNo 0368/320 rev E Drainage Strategy Plan  
(A1) DrNo 0368-1000 Linkages & Context Details  
(A1) DrNo.0368/SK02/B Highway Layout  
(A3) DrNo. 185.09.SK100 Enlarged Play Area  
(A3) DrNo 0368/200 rev C Block A Housetypes

A3) DrNo 0368/201 rev C Block A Housetypes  
(A3) DrNo 0368/202 rev C Block A Housetypes  
(A3) DrNo 0368/203, 204, 205, 206 and 207 rev B Block A Housetypes  
(A3) DrNo 0368/207, 208, and 209 rev A Block B Housetypes  
(A3) DrNo 0368/210, 211, 219 and 222 rev B Housetypes  
(A3) DrNo 0368/212, 213, 214, 215, 216, 217, 218, 221 and 223 rev C  
Housetypes  
(A3) DrNo 0409/223 and 224 rev A Housetypes

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

3. Notwithstanding the submitted details, 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.

4. The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

5. The proposed roads, 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 carriageway and footpath.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

6. The development shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

7. No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted plan 0368-102 rev E for cars to be parked.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

8. Where the garage door is to be an up and over style there shall be an area of hard standing at least 6m in length as measured from the nearest edge of the highway to the face of the garage doors unless a variation is first submitted to and approved in writing by the Local Planning Authority.

Reason: To enable cars to be parked off the highway whilst the garage doors are opened in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

9. No dwelling shall be occupied until a covered and secure space has been laid out within the site for 51 bicycles to be parked, 1 for each dwelling unless a variation is first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

10. Prior to the commencement of works on site a foul and surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be in accordance with the details submitted on plan number 0368/320 rev E and shall include arrangements for the points of connection and capacity improvements required to serve the development and the timing for the implementation of the strategy. Prior to the occupation of any of the dwellings hereby permitted the drainage scheme shall be fully implemented in accordance with the approved details unless a variation is first 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.



11. No development approved by this permission shall be commenced until details for the intended operational and maintenance plan for all drainage works serving the site are submitted to and agreed in writing by the Local Planning Authority. The approved drainage for the site shall be installed prior to the occupation of any dwellings hereby permitted and shall thereafter be maintained in strict accordance with the maintenance plan and in full working condition thereafter unless a variation is first submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding in accordance with PPS25

12. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

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

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

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

- An assessment of the potential risks to

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

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

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

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

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

f) Long Term Monitoring and Maintenance

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

**objectives have been achieved.**

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

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.

13. Prior to the commencement of any development works on site in association with the dwellings hereby permitted the applicant shall provide details of the noise mitigation measures as outlined in the report ref UK18-14949 Noise Environ, February 2010. This shall include details of acoustic windows, ventilation, the facades that require additional noise attenuation and details of the proposed noise barrier. This shall include confirmation that the proposed attenuation system will meet the requirements of standards outlined in the report and BS8233. The proposed development shall thereafter be built in accordance with those details and thereafter maintained as such unless an alternative is first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).

14. No dwelling hereby permitted shall be occupied until the traffic controlled crossing of the A38 has been installed and is operational.

Reason: In order to ensure a safe crossing facility for occupants of the site to access existing services at the north of the A38 and in particular the Children's play facilities at Farriers Green in accordance with the requirements of Somerset and Exmoor National Park Structure Plan policy 49 and Taunton Deane Local Plan policies S1 and C4.

15. Prior to the occupation of any of the dwellings hereby permitted a fully equipped Children's Play Area shall be provided on site in accordance with the details shown on plan number 185.09.SK100. The Children's play area shall thereafter be maintained in a safe condition and in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In order to make adequate on site provision for the needs of children's play in accordance with the requirement of Taunton Deane Local Plan policies C4, T8 and T9.

16. Development shall not be commenced until details of a scheme to protect and

enhance the development for nesting birds has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon the advice in Michael Wood Associates's submitted report dated November 2009.

1. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance
2. Measures for the enhancement of places for nesting birds.

Once approved the works shall be implemented in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over development in order to safeguard [details of species] and its nesting site which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) in accordance with relevant guidance in PPS9.

17. (i) The landscaping/planting scheme shown on the submitted plan 185.09.PP01 rev G shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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.

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

Reason: To ensure the preservation of archaeological remains in accordance with Policy 13 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN22 of the Taunton Deane Local Plan, Planning Policy Guidance note 16 and the Draft National Planning Policy Framework.

#### Notes for compliance

1. The applicant is advised to formulate all physical design features of the dwellings i.e. doorsets, windows, security lighting etc in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website - [www.securedbydesign.com](http://www.securedbydesign.com) or by contacting the Police Liason Officer at Somerset West Police District, Police Station, Shuttern, Taunton, TA1 3QA.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
3. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site.
4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway

#### **PROPOSAL**

The proposal is for a discrete residential development of the former Hatcheries site (0.84ha) at Monkton Heathfield. The site is located at the southern tip of the Monkton Heathfield allocated site and would form a gateway to the new development along the A38, for this reason particular care has been taken in the design of the Corner block of flats. The current proposal combines traditional design with traditional materials.

The development of 51 units would comprise a mix of detached, semi-detached, terraced dwellings and two blocks of flats providing 13 units of accommodation for intermediate rent. A small equipped play area would be provided on site for young children and additional contributions made towards the improvement of the existing facilities at Farriers Green. The proposed materials are a mix of brick, stone and render with double roman tiles and artificial slate roofing materials.

The existing access off the A38 would be improved to provide a satisfactory access for the development by introducing a right hand turning lane in the centre of the highway and improving the design of the existing access. A traffic signal crossing of the A38 would be provided to the north east to enable safe crossing of the road for access to local services including schools, play area and shops. The main access would be of tarmac but after the first 14m the materials would change to a mix of block pavements designed to differentiate between the road functions.

#### **SITE DESCRIPTION AND HISTORY**

The site is located to the east of the A38 (Bridgwater Road). It forms part of a group of buildings located within an agricultural area. The site comprises a former Hatcheries building with a grass front to the road. To the east of the site are two dwellings, 118 Bridgwater Road (within the application site) and 120 Bridgwater Road just beyond the eastern boundary of the site. The site is located to the east of the A38 opposite the junction of the A38 and Milton Hill. The site slopes gently from the higher ground down towards the canal, in the south. The northern section of the agricultural building is currently being used for light industrial use and the remainder of the building is vacant. To the north, south and east of the building are agricultural fields. The site is currently accessed direct off the A38 at a point approximately 42m to the north of the Milton Hill junction.

#### Application site

The site forms the southern part of the Monkton Heathfield mixed use allocation in the Taunton Deane Local Plan and planning permission has recently been granted for employment and residential uses on the land to the north and east with a new road, the Eastern Relief Road being located to the south.

48/07/0019 - Construction of a roundabout and alteration of the associated roads and highway structure at the former chicken hatchery, Bridgwater Road, Monkton Heathfield. - resolution to grant subject to a S106 agreement

#### Adjacent land.

48/03/0054 Residential and Employment Development, Associated Access, Public Open Space and Landscaping on Land Between Bridgwater Road, Hyde Lane and The Bridgwater and Taunton Canal, Monkton Heathfield. Planning permission refused 3<sup>rd</sup> December 2003 :- Insufficient information; road within green wedge and contrary to the local plan allocation and proposal not a comprehensive or coordinated scheme.

48/05/0072 Proposed Mixed Use Urban Extension Development Comprising Residential, Employment, Local Centre, New Primary School, A38 Relief Road, Green Spaces and Playing Fields at Monkton Heathfield appeal lodged and the determination called in by the Secretary of State. Appeal allowed and planning permission granted on 22<sup>nd</sup> October 2008.

48/10/0036 Application for Approval of Reserved Matters of Application 48/05/0072 for Details of Phase 1, to Include 327 No. Dwellings and Associated Highways, Landscaping including Public Open Space, and the First Section of the Eastern Relief Road and Roundabout on A38 Bridgwater Road, at Land off Bridgwater Road, Monkton Heathfield. Conditional permission granted 20<sup>th</sup> May 2011

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Transport issues arising from this proposal.

The site is allocated for development in the Taunton Deane Local Plan and therefore it is for the Planning Officer to decide if the current proposal is in line with

the allocation. From a Highway viewpoint there is no objection to the principle of Residential development here, subject to appropriate measures being provided to mitigate the additional traffic and pedestrian movements associated with the proposal.

A Transport Assessment together with subsequent additional information has been submitted with the application. This has been fully considered and its conclusions accepted.

In detail, the proposed access to the development is situated in the same location as that which currently exists. The details of a Right Turning Lane junction to serve the development must be compatible with the existing highway layout and also the altered layouts proposed in conjunction with consented adjacent developments.

Those shown on the submitted plans have been the subject of careful consideration and are generally acceptable. Full details will be required to be approved prior to the commencement of development and the appropriate construction subject to a S106 agreement. There is also a requirement to deliver an appropriate light controlled crossing. This is located on the A38 to the North East of the access. The crossing must be in place prior to the occupation of any dwelling on this site.

A Travel Plan has been submitted and comments made on its acceptability. It is currently not approved. It must be approved in order that it can be appended to the S106 agreement.

The internal Layout shown on drawings 0368/102,104,105,107,302,320, and 1000, has been considered and there are a number of minor points that need addressing. These have been forwarded to the applicant and amended details requested. following comments are appropriate.

In conclusion there is no Highway objection to the proposed development subject to the applicants entering into a S106 agreement to secure the following:-

1. The design, construction and funding of a Right Turn Lane junction at the site access.
2. The design, construction and funding of a Toucan crossing on the A38 to the north east of the site
3. Implementation of an approved Full Travel Plan for the development, such travel plan to have been agreed in full prior to the signing of the s106 agreement (prior to reserved matters or commencement of the development), appended to the agreement and supported by a full travel plan schedule which contains a full range of measures to assist with sustainable travel including residential cycle parking
4. Residential travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property, to aid with uptake of smarter travel choices
5. Smarter travel management fund of £5000 to aid with the provision of matters such as on-site cycle servicing for residents and other events/one-off

promotions to assist a travel plan coordinator promote sustainable travel, for the initial period of the travel plan

6. Bus stops and shelters on both sides of the road between Bathpool and Brittons Ash at a location and specification to be agreed with the Highways Authority

#### *WEST MONKTON PARISH COUNCIL -*

Initial comments :- The Monkton Heathfield development guide and consortium masterplan indicate the land as employment and it will be important to achieve this objective for a comprehensive mixed development. It is noted that this proposal will result in additional traffic will be using the A38 prior to it being traffic calmed. The impact of the future bus gates in the vicinity of the site has not been explained.

Revised plans - totally support the revised design which is more in keeping with the style of development the PC would wish to see in Monkton Heathfield. It not only satisfies the requirement for affordable and social housing but does so in a way that does not indicate a tenement slum of tomorrow, but it also represents an opportunity to provide a good impression at the first sight of development as it is entered from Taunton. The PC is pleased to note that in contrast with other developers involved on Monkton Heathfield, the styles of houses within the proposal are varied and interesting, reflect local character, create a meaningful community space and are very good quality buildings with a quality design.

*HERITAGE AND LANDSCAPE OFFICER* - Other than a couple of minor alterations the proposed scheme is considered to be good. Amended plan awaited.

*WESSEX WATER* - A full drainage strategy required and confirmation that the distance of new buildings to the attenuation facility is acceptable. (updated plan submitted and comments awaited)

#### *ENVIRONMENTAL HEALTH - NOISE & POLLUTION -*

Contaminated Land - The site has a past history of commercial use and the proposal is for residential use. Therefore, I would recommend that the standard contaminated land condition be used.

The developer should be aware that under Planning Policy Statement 23 the responsibility for ensuring that the development is safe and suitable for use for the purpose for which it is intended lies with the developer.

Noise - The applicant has provided a noise assessment.

- PPG 24 Noise Assessment, The Hatcheries, Bathpool, Monkton Heathfield. Environ. February 2010

The report includes calculations of road traffic noise for the existing road layout and with the proposed relief road. An assessment of the noise indicates that some noise



mitigation will be required to ensure that noise levels within properties will meet the recommended levels. The standard that should be achieved on the site is the “good” standard recommended in British Standard BS8233 (Internal noise levels of 30dB LAeq). Given the above I would recommend that a condition is used to ensure that these appropriate noise mitigation is provided and installed

*NATURE CONSERVATION & RESERVES OFFICERS* - no objection subject to a condition for the protection and enhancement of sites for wildlife on the site.

*SOMERSET ENVIRONMENTAL RECORDS CENTRE (SERC)* - The development should seek to provide a biodiversity gain. The landscaping should be amended to include more native species in order to achieve that aim

*CHEDDON FITZPAINE PARISH COUNCIL* - no response

*CREECH ST MICHAEL PARISH COUNCIL* - support the proposals but note that care must be taken to ensure the infrastructure is adequate to support the additional volume of traffic and services are available.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - An archaeological evaluation of the site has shown that remains relating to Bronze Age and possible roman periods are present. These remains may represent burials and other features associated with ritual or funerary practises. I therefore recommend a condition for the implementation of a programme of archaeological work based on the findings of a written scheme of investigation to be agreed by the LPA

*SCC - ENVIRONMENT & PROPERTY DEPARTMENT EDUCATION*- Based on the proposed development characteristics, I accept the provision of contributions for 6 primary places and 3.5 secondary school places, to be phased payments.

*SCC - RIGHTS OF WAY* - no response

*SOMERSET DRAINAGE BOARDS CONSORTIUM* - no objection subject to a condition for the provision of surface water drainage works on site and their long term maintenance

*DRAINAGE ENGINEER* - No objection subject the provision of a drainage(full operational and maintenance strategy scheme, to include identification of future land use limitations; future ownership; operational and maintenance arrangements for all the drainage works to cover the lifetime of the scheme.

*COMMUNITY LEISURE* - The development would result in the need for 1020sqm of play space. The proposal is for an on site children's play area of at least 400sqm

with the outstanding 620sqm being provided by contribution for the improvement of facilities at Farriers Green. The off site contribution is now acceptable as a traffic signalled crossing of the A38 would be provided to offer safe crossing of the road and good access to the alternative provision.

The proposal also results in the need for contributions for the provision of outdoor recreation which the developer has agreed to.

*HOUSING ENABLING LEAD* - support this application based on need and not planning suitability of the site. I require 35% Affordable housing to include 75% social rent and 25% intermediate housing (35% equals 17.8 dwellings). The applicants have submitted a viability appraisal for their proposal. This has run two scenarios: the provision of 13 intermediate rent flats and the provision of 13 Intermediate rent flats and 2 shared ownership units and concludes that whilst the scheme for 13 intermediate rent units makes the scheme viable the scheme including additional provision of shared ownership is not viable.

*POLICE ARCHITECTURAL LIAISON OFFICER* - This development appears to be a fairly small and the inclusion of public footpaths/cycle paths to the west and north of the site, in addition to the main vehicular/pedestrian access makes this site potentially very permeable. This could undermine the defensible space of the neighbourhood allowing potential criminals a choice of access and escape points. I recommend that the proposals for two public footpaths/cycle paths in addition to the main vehicular access be reconsidered with a view to restricting them to those proven to be required.

Boundary treatments - the proposed height and type of walls and fences appears suitable, being walls and fencing to a height of 1.8m (plus some 2m acoustic fencing) to the side and rear of dwellings and 0.6m to the front. This allows good natural surveillance to the front whilst deterring unlawful entry at the side and rear where the majority of burglaries occur.

The site plan indicates some rear access paths to gardens and I note that these are gated near the front building line, which is the preferred option, in order to deter unauthorised access to the rear of dwellings.

A number of rear gardens back onto one another which is the preferred option as it also restricts unlawful access to the rear. Those gardens backing onto open land or adjoining premises may require additional rear boundary protection as they may be more vulnerable to attack, however, I note that a proportion are backing onto hedgerows which can assist in this respect if of a substantial nature.

The proposed road surface changes i.e. combination of block-paving, sets, gravel etc help reinforce the defensible space and private nature of parts of the development.

Car parking - appears to be a mixture of garages (incl. flats over garages) and parking spaces. Garaging or within curtilage parking is the preferred option but, where this is not possible, parking spaces should be within sight of routinely occupied rooms in owners' premises, otherwise, there is a strong likelihood that they will not be used.

Ideally, drive-throughs should be protected by a gate or other suitable measures to restrict unauthorised access to vehicles and the rear of premises.

The Bin and Cycle Stores appear to be of fairly substantial construction and should be lockable to prevent cycle theft and mis-use of 'wheelie' bins for ASB.

The proposed Cycle Store near the footpath to the West of the development, although overlooked, appears to be particularly vulnerable to attack from the main road and consideration should be given to its re-siting to an area of greater natural surveillance.

Planting and landscaping should not impede natural surveillance. Where good visibility is required, plants should have a mature growth height no higher than 1m and mature trees should have no foliage below 2m.

All street lighting for adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS5489. .

The POS is centrally located with good overlooking. Measures should be taken to prevent unauthorised vehicular access to the area and appropriate arrangements made for its future maintenance.

*HIGHWAYS AGENCY SOUTH WEST* - No comment to make

*ECONOMIC DEVELOPMENT MANAGER* - No response

## **Representations**

20 letters have been received making the following comments:-

- Policy T8 states that the development should provide a co-ordinated approach to the delivery of services and infrastructure but this development is not contributing to the full obligations of the T8 allocation
- Without the Monkton Heathfield consortium application this proposal would be an unacceptable stand alone scheme in the open countryside
- This is not a windfall site as claimed by the applicants it is part of the allocated site and its development for residential would result in a large uplift in the value of the land allowing for appropriate contributions to be made to the overall development of the allocated site
- The proposal represents over development. Bathpool has already had its share of development and the new proposals will result in Bathpool losing its village identity
- The terraced properties often have to go through the house to gain access to the rear garden which is undesirable
- The houses fronting on the A38 compromise the success of the estate design
- The houses are too small with windows that are equally too small for the size of the houses
- 4 storey in height would interrupt existing views and would interrupt the skyline

and set a precedent for future development in the area which would further erode those views

- The 3-4 storey elements would be better set back into the site away from the main road
- The children's play area is located adjacent to the road, with all the cars associated with the development passing the play area it will be a dangerous place for children to play
- The cycle store would be a target for crime
- There are insufficient services (schools, jobs and doctors) in the area for 300 people likely to result from 51 dwellings
- There is no capacity at local schools for the children from this development, a local child (within the catchment area) was recently refused entrance to Heathfield school as there were no spaces
- The local primary school is oversubscribed already with no room for expansion
- The road improvements identified in the local plan should be completed before the development goes ahead and the roundabouts should ensure that they can be used safely by trucks
- The A38 and its existing bridges are already over their safe working weights/limits
- The development will generate 75 more cars on roads that are already over-capacity
- The traffic from the development will go down Yallands Hill to get to Taunton and beyond but this is already a very busy road.
- Additional traffic will be using the already congested road system to access the local shop and additional problems of congestion and illegal parking would result with parents dropping their children off at school
- The construction traffic, pedestrian safety, noise and dust pollution, associated with the development will have an unacceptable detrimental impact on the amenity of local residents
- The entrance onto the busy A38 with fast moving traffic is a potential safety hazard
- A new bus stop should be provided outside the development, with suitable lay-bys to give residents access to the services from Bridgwater and Taunton
- A pedestrian crossing of the A38 should be provided to give access to the buses on Milton Hill
- The scheme has no pavements and pedestrians will be unable to walk safely around the estate
- Without the separation created by pavements the streets will be narrow and the estate would feel claustrophobic and closed in
- The proposed off road car parking is inadequate. Garages are often used for storage and this will result in high levels of cars parking on the streets stopping traffic from driving along the roads
- It is suggested that part of the development site is owned by a separate landowner and development of the site cannot proceed without their agreement
- The potential for increase flooding as a result of the development must be seriously considered
- The amount of development due to take place in this area, including this site will result in the loss of the village and make the area just another part of Taunton.
- This high quality developer will introduce good workmanship and individual architecture that will make a good first impression for the area
- This is an excellent proposal

## **PLANNING POLICIES**

T8 - TDBCLP - Monkton Heathfield Major Development Site,  
T9 - TDBCLPMixed-use Development Allocation (Monkton Heathfield),  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H9 - TDBCLP - Affordable Housing within General Market Housing,  
M4 - TDBCLP - Residential Parking Provision,  
M5 - TDBCLP - Cycling,  
C1 - TDBCLP - Education Provision for New Housing,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
EN12 - TDBCLP - Landscape Character Areas,  
EN14 - TDBCLP - Conservation Areas,  
EN23 - TDBCLP - Areas of High Archaeological Potential,  
EN28 - TDBCLP - Development and Flood Risk,  
PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,  
PPS 5 - PPS5 Planning for the Historic Environment,  
PPS25 - Development and Flood Risk,  
UNQ - Unique Policy Code,

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Policy

The site forms part of the Monkton Heathfield mixed use allocated site in the Taunton Deane Local Plan. The Local Plan included an illustrative alignment for the Eastern Relief Road (ERR) whereby the new junction of the ERR and A38 would be located on the Hatcheries land. In order to inform the development of the site the Monkton Heathfield development guide SPD was produced. This indicated a split of uses within the overall site and indicated employment use for the land to the south of the site, surrounding the new ERR highway network. The Consortium proposal provided the junction on land to the south of the Hatcheries (which was not under their control) and this was accepted by the Secretary of State when the subsequent appeal was allowed. Following that permission advice was given that the Hatcheries was required in order to fulfill the Local Plan employment land target of 4 ha for this part of the allocation (the appeal approval only indicated 3.15ha).

Contrary to this advice the applicant's assert that a large portion of the 0.84ha site (0.52 ha) was required for the provision of a roundabout for the ERR A38 junction and not as employment land. This matter was considered by the Secretary of State in the appeal decision where the roundabout land was referred to as "an increase in the developable area of the major development site should be regarded as a small but significant additional benefit arising from acceptance of the Consortium's ERR alignment" (para 8.4.16) and later (para 8.4.21) under the housing land, section of the decision letter it states that "the small land bonus from the potential development of the Hookipa site... as considerations of sufficient weight to warrant the grant of planning permission." In my view therefore the proposed residential use of the roundabout land has been accepted by the Secretary of State rather than an employment use.

The application site includes an additional area of land to the northeast of the site (0.36ha) and this area of land is shown in the development guide for employment use. The inclusion of this land as residential has some advantages. Firstly it creates a usable area of land enabling an individual housing development of sufficient size to

provide a small community. Secondly, there is a dwelling located within the remaining employment land, to the east of the application site which would restrict the ability of 0.25ha the land coming forward for employment use. Part of the current proposal includes a provision in the Section 106 agreement for the residential use to cease and that land be included within the employment land area. Finally the site represents the southern entrance to the allocated site and the residential use has enabled the provision of a high quality corner building which will provide a suitable gateway for the whole of the Monkton Heathfield allocated site (T9).

There is some concern that this site is somewhat isolated from the new development of the remaining development area, separated from the residential elements by the intervening employment land. As a result the development included locations for footpath links to the employment land and provides (in association with the consortium development) a traffic light controlled crossing of the A38, improving links to Farriers Green and the existing Monkton Heathfield/Bathpool developments and services.

I consider that the proposal is acceptable in policy terms.

### Highways

The site is currently accessed directly off the A38 and this access would be improved and used for the development. The improvements would comprise 1) the introduction of a right turning lane in the centre of the highway to enable safe movements into and out from the site, 2) footpath links on either side of the access off the A38 and into the site, 3) the introduction of a traffic controlled crossing to the north of the entrance for the use of occupants using play facilities at Farriers Green and accessing the existing services located to the north of the A38. The County Highway Authority considers that the proposed improvements are acceptable.

As the development is for 51 houses the internal highways have been designed to encourage joint use of the roadway and keep traffic speeds to a minimum. This has been done through the design and materials (block Paving) of the roadways. The internal highway layout continues to provide access to the land to the east as there is an established right of way for adjacent land owners.

A combination of on site parking (garages and parking spaces) and on street parking are proposed and would result in just over 1.5 space per house and 1 space per flat. These levels of parking are considered acceptable given the fact that the nearest bus stop is only 280m from the site entrance.

### Affordable Housing

The site forms part of the Monkton Heathfield allocated site where the local plan advises the provision of 35% affordable housing. The agreement on the consortium land was to provide a split of 50% social rent, and 50% intermediate housing and in the normal course of events the affordable requirement for this site would be the same. This would equate to the provision of 17.85 affordable units. The applicants have submitted a financial viability report to establish that the required level of provision would make the site unviable and have established, through their report that a scheme for 13 flats, as now proposed, is the maximum number of units that can be provided without the scheme becoming unviable. The housing enabling officer, who is experienced in assessing viability appraisals, has confirmed that the

report is an accurate representation of the situation and has agreed that the provision of 13 intermediate rent units is acceptable in this case. The applicant proposes the rented units to be provided in two blocks of flats located at the south west corner of the site.

### Landscape/ Wildlife

The site is located in a prominent position on the southern most corner of the Monkton Heathfield allocation and will be visible from the new and existing highway network. The landscaping associated with the Eastern Relief Road has been agreed, and extends along the southern boundary of the site. As the application site was not included in the consortium proposals additional landscaping is considered necessary in order to ensure appropriate landscaping of this area. The landscaping of the site is therefore an important consideration. After negotiation, an amended landscaping scheme has been submitted which is considered to be acceptable. The landscaping plan proposed the formation of a hedge along the southwest and southeastern corners of the site with specimen trees located at spaces within that. The frontage of the A38 comprises trees and shrubs. In order to help soften the urban form planting has been included within the development site, either in gardens or in the open spaces provided by the children's play area and at roadside edges. The scheme is considered to be acceptable by the Landscape Officer.

The application proposes the development of a partly disused agricultural building and open space where wildlife is often present. As a result a wildlife survey was undertaken and submitted with the application. The report shows that there was no evidence of bats, badgers or reptiles using the site. The survey identified that there was potential for nesting birds at the site and the Council's Nature Conservation and Reserves officer suggests a condition to limit any demolition works to be undertaken outside of the nesting season and to provide alternative nest boxes within the new development to offer an enhancement for wildlife. The Somerset Trust for Nature Conservation have requested the provision of additional native planting to encourage wildlife but this is contrary to the landscape approach which seeks to introduce a different approach due to the visual prominence and importance of the location of this site. Given that there is very little wildlife currently at the site and the importance of the landscape impact I support the landscape officer in this case.

### Design

The site is a discrete parcel of land. It has good links to existing services but in the Monkton Heathfield allocated site would be somewhat isolated and would relate more to the employment that surrounds it than the residential development proposed elsewhere. As a result the scheme has been designed as a complete entity with an alternative design approach for a higher density scheme than that approved in the area so far. The highway design has been built around a shared surface approach in order to keep speeds low and create an informal street layout. The dwellings are all of traditional design. The corner building has been individually designed to provide a suitably high quality focal and entrance point into the new development. The materials would be stone and brick with a slate roof. Elsewhere on the scheme, the applicants propose a mix of brick and render with slate and tile roofing. Samples will be provided before the final details are accepted to ensure that the materials are in keeping with the local vernacular. Combinations of the dwelling types have been arranged to produce an interesting and active street frontage. The focal point of the scheme is the provision of a central public open space equipped with small children's

play area (LEAP). An additional play area, at Farrier Green will be enhanced with contributions from the developer in order to provide for older children and a traffic lit crossing would be provided to enable safe access to the site (and the secondary school) for those children.

### Drainage

The proposed foul drainage for the development will be provided by a new foul sewer being connected to the existing sewer that runs to the north of the site.

The surface water drainage will be dealt with by a sustainable urban drainage solution that will incorporate oversized pipe work and aqua cell units under the flat parking area to store run off water. A hydrobrake would be fitted down slope to restrict the run off rate from the site to cater for 100 year event plus 30%. This has been considered as acceptable by the Environment Agency and Drainage Officer provided appropriate maintenance regimes are conditioned.

### Education

The proposal is for a mix of houses and flats that will generate the need for additional primary and secondary education places as required by Policy T8. The developers proposal has been accepted by the County along with the appropriate phasing for the payment of the monies and the details will be included within the Section 106 agreement.

### Leisure

TDBC Local Plan policy requires the provision of playing field and public open space in accordance with the requirements of policy C4. Policy C4 requires the provision of 1020sqm of equipped and casual Children's play space for 51 dwellings. The applicant proposes 400sqm of equipped children's play area on site aimed at the youngest age group. This has been provided within a central Green area which serves to soften the urban form and provide a focus for the development. As the site is relatively small and Farriers Green is within walking distance an off site contribution (based on the remaining 620sqm) for the provision of off site improved facilities for older children has been accepted. In addition there is also a requirement for a contribution for outdoor recreation (sums based on a per dwelling calculation).

A draft section 106 agreement is currently being considered and includes the provision of contributions for Children's play area and recreation open space.

### Conclusion

The proposed residential development would enhance the overall development of the area and provide a suitable entrance gateway for the allocated site. Subject to a suitable Section 106 agreement the detailed issues are now resolved and the proposal is considered to be acceptable.

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

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





MRS A ROUTLEY

**CHANGE OF USE OF LAND TO SITE MOBILE HOME FOR USE AS AGRICULTURAL WORKERS DWELLING AT ALEBAR FARM, BLACKMOOR, WEST BUCKLAND (RETENTION OF WORKS ALREADY UNDERTAKEN)**

Grid Reference: 316395.11842

Retention of Building/Works etc.

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**RECOMMENDATION AND REASON(S)**

A) Recommended Decision: Refusal

- 1 The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. Whilst the business being operated from the site comprises a mix of enterprises, the overall business remains of a small scale and of a nature where the vast majority of work can be carried out and most problems/emergencies are likely to occur during part of the normal working day (however long that day may be). As such, it has not been proven that it is essential for the proper functioning of the enterprise for a worker to be readily available at most times. Therefore the functional need for the retention of the mobile home has not been demonstrated and the development fails the functional test set out in Planning Policy Statement 7, Annex A. The proposal therefore represents an unjustified residential development in the open countryside, contrary to Policies S1 (General Requirements) and S7 (Outside Settlements) of the Taunton Deane Local Plan, Policies STR1 & STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and advice contained within Planning Policy Statement 1 (Delivering Sustainable Development) Planning Policy Statement 3 (Housing) and Planning Policy Statement 7 (Sustainable Development in Rural Areas).

B) That an enforcement notice be served to cease residential occupation of the site and secure the removal of the mobile home and that the Solicitor to the council be authorised to take prosecution proceedings in the event that the notice is not complied with. The time period for compliance with the notice should be 6 months.

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

Notes for compliance

**PROPOSAL**

The application seeks planning permission for the change of use of land and siting of a mobile home to be occupied as a temporary agricultural workers dwelling at Alebar Farm, West Buckland. The proposed mobile home has been located on site since 1

September 2010 and is connected to mains water, a recently installed septic tank and gas is provided via canisters. On this basis the application is made retrospectively.

The application is supported by a professionally prepared Agricultural Appraisal together with a full Business Plan that sets out the financial viability and future projected development of the organic goat breeding and rearing enterprise for the production of milk together with ancillary agricultural and horticultural activities at Alebar Farm. The agricultural appraisal concludes that there is a reasonable expectation that the functional need will be met during the first three years of trading and that the other tests set out within PPS7 are met.

The business plan sets out a three year business development plan, with specific details being provided for increasing stock levels, additional lines of production together with costs/sales/expenses information. It also provides information on the existing level of expenditure that has been made by the applicant in setting up the business. The business plan also sets out the range of activities undertaken at the farm and the number of hours worked on the holding by the proprietor. Information annexed to this plan shows specific sales and costs associated to the holding and concludes that at the end of year three a forecast profit of £15,139 will be made by the enterprise via a combination of farming activities that cover goats, horticulture and egg production.

The application comes before the councils Planning Committee virtue of its sensitive nature and the decision at a previous meeting of the committee to invite the submission of an agricultural appraisal for consideration prior to undertaking enforcement action over the unauthorised development.

## **SITE DESCRIPTION AND HISTORY**

Alebar Farm is located in an area known as Blackmoor, within the parish of West Buckland. The holding covers an approximate area of 1.3 hectares and comprises a single field located approximately 4.5 kilometres to the south east of Wellington; the property is also located within the Blackdown Hills AONB. The field is located on the steep north facing escarpment of the Blackdown Hills, a designated Area of Outstanding Natural Beauty. The site locality is characterised by a sporadic group of residential and agricultural properties. The holding comprises one mobile home, occupied since 1st September 2010, a small L-shaped stable building currently used for domestic and agricultural storage and 6 no. field shelters. The mobile home, stable building and field shelters are sited to the western boundary of the site, being set into the hillside through cut and fill.

The stable building was granted planning permission under reference 46/08/0023. A subsequent application was also approved for the erection of post and rail fencing around the stable building, planning reference 46/09/0032. Planning permission was refused on 1 March 2011 for the change of use of land to site a mobile home as agricultural workers dwelling on the site. The current application is a resubmission with additional detailed information provided.

Alebar Farm is a mixed use enterprise that consists predominantly of goat rearing, horticulture and free range egg laying at present. The site is worked largely by the applicant alone with no machinery use. The holding is focused upon establishing labour intensive bio-dynamic, organic and permaculture principles for the benefit of

animal welfare and landscape and environmental management.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*WEST BUCKLAND PARISH COUNCIL* - oppose the application on both landscape and agricultural grounds:

1

The development is having a detrimental effect on the landscape of the AONB and as such is in contravention of S1 (D), S2 (A) and EN10 of the TDBC Local Plan Policy and PPS7.

Prior to the arrival of the applicant the site comprised a pasture field with a stable block approved under planning application 46/2008/023 with some planting of young trees around the perimeter as agreed by the Local Planning Authority under condition 3 of the conditional approval. Condition 5 of the approval states: Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority for the reason: the Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2 (A). A site visit will show that large scale earth moving has taken place on site to make way for the numerous sheds now on site, leaving exposed banks to the resultant enlarged cutting and with subsoil now evident on the uneven and unsightly surface. These works took place many months ago. Furthermore there is an extensive area of hardcore for parking and turning of the several vehicles normally on site and numerous post and wire enclosures and sheds.

Further evidence of a lack of regard for the environment is to be seen in the fact that two sizeable structures/sheds have been constructed directly on and close by the RPA (Root Protection Area) of the large mature Oak tree that stands near the entrance to the site. This will have a detrimental effect on the growth and development of the Oak tree and is not in accordance with BS5837:2005 Recommendations, consequently we request that a Tree Survey, in accordance with this British Standard be carried out in respect of all trees and hedges within influencing distance of the site before any decision is made. The Tree Survey should also include a Tree Constraints Plan (TCP), furthermore the mature Oak tree forms a prominent feature within the landscape of an AONB as such statutory protection should be a consideration. West Buckland Parish Council refers to 3.2 and 3.5 of *"Tree Preservation Orders - A Guide to the Law and Good Practice"*

2

There is insufficient acreage to support the proposed enterprise as a successful business venture, the business is not planned on a sound financial basis, it is not capable of being sustained for a reasonable period of time and the proposed livestock and plants will be insufficient to require the claimed hours of husbandry and therefore it fails both the functional need test and the financial test as required under PPS7 and H12 of the TDBC Local Plan

a

The need for a worker's dwelling is not met by the husbandry requirements of 20 goats, 200 or so hens and some plants on a workable acreage of around 2.5 (much of which will be non-productive as it is planned to devote it to wildlife areas and pond). The micro-scale of the activity in the field is that of a hobby farm where the owner would be expected to do the work in their spare time. The estimated hours of attention appear to be grossly exaggerated for the purposes of meeting the SMD requirements. As an example of the inaccuracies in the report, the estimated manure production of 5000 tonne when that head of stock would be hard-pressed to produce 10 tonne !!

b

Although this council has not had sight of the applicant's forecast it is clear that production from an enterprise of this size is not sufficient to be economically sustainable in supporting a worker. We have found no evidence of any agricultural dwellings being permitted on holdings of such small scale except for intensive horticulture or "factory" farm units. To allow this application would be to set a dangerous precedent.

NB. We further note that cheese production is to be carried out on site in order to boost income however planning policy does not permit agricultural dwellings in open countryside for the purpose of food processing which is a non-agricultural activity and the agricultural activity alone should be sufficient to sustain the dwelling.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposed development site is remote from any urban area and, therefore, distanced from adequate services and facilities, such as education, employment, health, retail and leisure and, in addition, there is no public transport services in close proximity of the site. As a consequence, occupiers of the dwelling will be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to the government advice given in PPG13 and RPG10 and to the provisions of policies STR1 and STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review (adopted April 2000).

Notwithstanding the above, it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car. It is typical with applications such as these that a mobile home application is applied for in the first instance and if successful a permanent dwelling is applied for at a later date.

It is of concern to the Highway Authority that individual small plots of land could be sold off and potentially this could lead to an increase or even set a precedent for new residential dwellings (be it mobile homes or a purpose built house) in the open countryside.

*BLACKDOWN HILLS AONB SERVICE* - No observations to make.

*LANDSCAPE* - The proposals have limited landscape impact in the immediate vicinity of the mobile home.

## **Representations**

1 letter of support raising the following matters:

- the work carried out so far is not obtrusive and is of an agricultural nature;
- understands the owner wishes to start goat milk and cheese production and there is a demand for this product.

1 letter of objection raising the following points:

- this is a 3 acre field in the AONB and is not a viable business but a hobby farm that may eventually bring permission for a permanent residence;
- selling goats cheese from the farm gate cannot be a business requiring 24 hour attendance;
- there is not a need for the proposed development;
- the land is too small an acreage to sustain a business.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
H13 - TDBCLP - Agricultural or Forestry Workers,  
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,  
EN12 - TDBCLP - Landscape Character Areas,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,  
PPS7 - Sustainable Development in Rural Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues that require consideration in determination of the proposed development relate to the justification submitted for the siting of a temporary agricultural workers dwelling on the site in order to support the development of Alebar Farm.

Taunton Deane Local Plan policy H12 is not relevant to the application and was not saved under amendments to the Local Plan made by the Secretary of State in 2007. Planning Policy Statement (PPS) 1 sets out the strategic role for providing sustainable patterns of development whilst national policy for housing is set out within PPS3; this requires new developments to provide new residential developments in appropriate locations where there is good access to community facilities, jobs, key services and infrastructure. PPS7 requires proposals for new agricultural workers dwellings to be meet both functional and financial tests in order to justify the special circumstances upon which they are permitted as an exception to normal planning policy for new housing.

PPS7, Annex A, paragraph 12 sets out the criteria for assessing temporary agricultural workers dwellings. It states that proposals should provide:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need;
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.

#### (i) Firm intention to develop the enterprise

The submission of the three year business development plan sets out the intentions of the proprietor and the methods and investments that will be made in order to develop and secure the prospect of a long term future for Alebar Farm as a functioning and profitable agricultural and horticultural enterprise. The proprietor has recently attended a refresher course in goat care and cheese making and is also undertaking a qualification in horticulture. Having grown up on a farm and with farmers within the family, it is taken that the proprietor has a certain degree of ability to develop the business concerned. Evidence of new born 'kids' on the holding already demonstrates that goat breeding is a feasible option at Alebar Farm and such clearly forms part of the enterprises' development that the proprietor is capable of undertaking. In addition, the proprietor has been granted a production number by Animal Health which allows eggs to be marked with designated Free Range status; subject to the intensification of the egg production enterprise continuing in the same manner as it does at present there is a reasonable expectation to accept that egg production and sales will comprise a substantial element of the future development at Alebar Farm, albeit with a particularly small number of chickens.

Para 12 (i) of PPS7 Annexe A states that "significant investment in new farm buildings is often a good indication of intentions"; in this regard it is noted that 6 timber field shelters have been purchased since the proprietor took ownership of the land, which itself came with a timber stable building already in situ. To this effect, the purchase of the land, stable building, additional field shelters and poultry houses have seen an investment into the enterprise of in excess of £56k, which increases to well in excess of £60k when account is had for additional investments into materials, works, services, tools, machinery, mobile home and other farm related paraphernalia.

It is accepted that based upon the stock levels and activities laid out within the development plan the enterprise is capable of developing in the future; the applicant is enthusiastic with regard to the development of Alebar Farm as a business combined with a lifestyle and it is therefore accepted that there is a firm intention and ability to develop the enterprise concerned.

#### (ii) Functional Need

Within the supporting Appraisal document the agent contends that when assessing if a functional need to live on site exists it is reasonable to measure the functional test against the projected third year of trading for a business in its infancy; the functional test is set out within para 4 of Annexe A to PPS7. Para 4 sets out that "*a functional test is necessary to establish whether it is essential for the proper functioning of the*

*enterprise for one or more workers to be readily available at most time. Such a requirement might arise, for example, if workers are needed to be on hand day and night (i) in case animals or agricultural processes require essential care at short notice; and/or (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or failure of automatic systems."*

One important factor to consider in determining whether a functional need for on site worker accommodation exists is the labour requirements of the agricultural business. Having regard to labour requirements The Agricultural Budgeting & Costing Book provides information for new farming ventures with regard to labour planning; the submitted Agricultural Appraisal accepts that this is a well respected publication and a useful guide as to labour requirements. Section 7.2 (Labour Planning) states that a labour unit of one person, such as the site in question, will require 2,200 hours of work per year, which equates to 275 'standard man days' (SMD) per year.

There is a range of activities that can be used to justify a functional need for an on site worker at Alebar Farm; these functions by year three will cover the management of up to 25 goats, 200 laying hens and horticultural activities for the growing of outdoor vegetables and salads over a 1 acre site. Annexe Four (Part 1) of the appraisal demonstrates that when using the data supplied by the Agricultural Budgeting and Costing's Book (72nd Edition), the total number of hours required for the functional running of Alebar Farm (including a 20% allowance for management time) is 582 hours per annum. This total equates to 26% of the total number of hours required to fulfill the need for a full time agricultural worker at the holding when having regard to the recognised full time labour unit set out above (2200).

Notwithstanding the above, the application draws attention to the specific nature of Alebar Farm, the working needs of the unit and the additional labour requirements of the enterprise which, virtue of the labour intensive approach to farming by the proprietor and the lack of machinery in use at the holding, are said to place additional working requirements upon the sole worker that extend beyond 'normal hours'. Annexe Four (Part 2) sets out the additional labour requirements of the unit and covers various additional jobs and undertakings during spring, summer, autumn and winter; the additional labour requirements show work beginning as early as 4.15am in the summer and continuing through into the night beyond midnight. It is suggested that throughout the year an additional 844.05 hours of labour is required virtue of its essential need to be undertaken. The essential tasks that add to the worker requirements include:

Summer - 4.75 hrs per day - feeding, watering, health checks to hens; watering plants and pest checks; monitoring and management of goats; securing chickens; slug and snail patrol.

Autumn - 0.5 hrs per day - general tasks associated to the horticultural activities including soil management and plant care.

Winter - 1 hr per day - checking drinking water of goats.

Spring - 3 hrs per day - general tasks associated to the horticultural activities including soil management and plant care; additional time for goat kidding and spring planting.

Annex A Paragraph 4 states that it should be essential for the proper functioning of the enterprise for the worker to be readily available at most times, for example if he/she is needed to be on hand day and night. In assessing this, it is necessary to



take into account whether the required problems/emergencies are likely to occur during normal working hours (even if these hours are long). If this is the case, emergencies/problems can be dealt with as part of the day to day routine and this does not call for a worker to live on site.

Having regard to the need for a worker to be readily available, it is recognised that certain aspects of the holding will require some occasional presence outside normal hours. It is accepted that minimising livestock and plant loss is important in order to sustain a successful business enterprise at Alebar Farm however farming 21 goats (end of year), 200 chickens and a small acreage of land for crops as projected for year three of the business is not considered to result in a sufficient functional need for a worker to be readily available on site 24 hours a day.

One of the key factors to the business is the farming of goats for milk, mohair and breeding for increasing stock numbers and onward sales; it is clear to me that the 21 goats will not attract sufficient need for a worker to be readily available 24 hours a day in case of emergencies and the like. For example goats have a gestation period of 150 days and it is usual for does to kid approximately five days either side of their due date; the appraisal shows that at the end of year three there will be 7 first pregnancy Does and 5 second pregnancy Does at Alebar Farm. This is a particularly small nucleus of breeding Does; activities such as supervising mating Does and Bucks would normally be undertaken as part of the normal working day, allowing adequate supervision of this. Whilst it is acknowledged that problems can occur during kidding, which may require rapid action, the limited number of breeding Does is not considered to be of a size that warrants a worker being readily available at most times. Further, it is important to note that a competent stock person would have a good idea of when a Doe is most likely to kid and, if necessary he/she could return to the site to check on the occasional Doe that might deliver at night; the frequency of such an event, however, is low due to the limited stock numbers at the farm. Furthermore the additional workload set out within the appraisal that is concerned with activities such as feeding, cleaning, monitoring and the like would all be carried out as part of the normal working day (be that extended at times), rather than at night. As such, these tasks do not justify the need for a worker to be readily available at most times.

Little information has been provided about the operation of the poultry enterprises except that the number of laying hens is to increase to 200 by the end of year three and that some rare breeds are to be reared on site. It is normal to assume that the laying birds are shut up at night to protect them from predators. On this basis, they are at little risk at night and as none of the birds are housed within controlled conditions, there is no requirement for someone to be on hand to deal with any power/system failure, in order to prevent suffering. With regard to rearing rare breeds on site, Annexe 4 of the business plan states that regular and frequent checks on temperature will be required as systems will be manual; as such, even if a worker was living on site a change in temperature is not something he/she would be aware of until checking the stock in the morning - it is highly unlikely that checks will be made during the middle of the night. Furthermore, due to the small scale of these enterprises, it follows that the risk of loss would be minimal. It is accepted that eggs are likely to be incubated and young birds likely to be reared under heat, the numbers are unclear within the submission, however it is also important to note that welfare could be significantly improved with the introduction of an alarm system, which triggered calls to a mobile phone if temperatures fell/rose to critical levels, enabling a worker to return to the site to check the eggs and chicks. As such, it is not

considered that an on-site dwelling is essential to provide an adequate level of welfare for a poultry enterprise of a scale as limited as this.

Having regard to the horticultural aspects of the enterprise, the need to protect the small areas of crop cultivation from inclement weather and the like, is not thought to be sufficient to require an on site worker to be readily available at most times. Factors such as frost damage can often be mitigated through protective measures especially over an area as small as that proposed at Alebar Farm and the site does not at present have any automated systems in place that could potentially reduce the risk of loss to plants and animals.

Having regard to the above, Alebar Farm is a small scale farming enterprise, which has forecast a small increase in animal numbers and production over a three year period. It is considered that the projected operation of the enterprise by year three will fail to provide an overall labour requirement for one full time worker having regard to the requirements based upon the Agricultural Budget and Costing's Book (72nd Edition) and coupling this total with other additional working requirements of the holding - para 9.31 of the submitted appraisal states that only 1,394 hours of work will be required for the functioning of the holding; this equates to just 63% of the standard 2,200 hour working year. I am further concerned that the majority of these hours will allow activities that can be carried out during normal working hours (extended during early morning/evening where necessary which is common on many agricultural holdings); there remains insufficient need for a worker to be readily available on site at most times when having regard to the goat, horticultural and egg production functions of the enterprise as set out above.

In summary, there are several different enterprises being operated on the site, being poultry breeding, free range egg laying, goat breeding and horticulture. Each part of the business is reasonably small scale and even when considered together, the vast majority of the work/problems/emergencies can be dealt with during a normal working day, albeit possibly a long working day. Having regard to the above Alebar Farm is considered to fail the functional test set out within PPS7.

### (iii) Planned on a sound financial basis

The business plan that is submitted in support of the application sets out the forecast budget for the enterprise and provides clear information over costs, sales and profits over the forthcoming three year period. The projected financial information is clearly laid out and covers all of the aforementioned facets of the enterprise (horticultural development and sales; dairy goats and young stock rearing and free range egg production). The financial appraisal does not include any profits from dairy products such as cheese, rare breed sales, Angora fibre or ducks and geese sales. The profit forecast to be made by the end of year three of £15,139 exceeds the recognised average wage of an agricultural worker.

There appears to me to be a clear intention to develop the business on a sound financial basis; whilst the levels of profitability may vary from those forecast it seems reasonable to expect the enterprise at Alebar Farm to gradually develop over the next three years to one that is financially sustainable. However the degree to which the business can develop will in this instance be highly restrained by the limited scale of land being farmed and therefore the projected profits are thought to be top end estimates. If there is a real intention to develop the business and conserve the landscape then the purchase or lease of additional land adjoining or nearby the site

will be required.

#### (iv) Other dwellings in the area

The application contends that an alternative home must be within 100 to 150 metres of a livestock holding if it is to be considered acceptable for work accommodation where there is an essential need for a worker to be readily available at most times. Within the area surrounding Alebar Farm both within and beyond 150 metres of the holding it is accepted that there are no other properties available that would be either affordable to the proprietor of Alebar Farm.

Notwithstanding this matter, based on the above assessment it is not considered essential for the proper functioning of the enterprise for a worker to be readily available at most times. It is therefore reasonable to expect the area of search for other suitable and available accommodation to extend to the nearby settlements of Wellington and West Buckland, both of which are within a five minute drive of the holding. Accommodation within such proximity would, based on the needs of the holding be an appropriate alternative to allowing on site accommodation at Alebar Farm as proposed where there is no functional need to live on site.

#### (v) Other planning matters

The application site constitutes a small parcel of land owned by the applicant; it comprises one field that is 1.3 hectares in area. The concerns of the Parish Council and local residents with regard to landscape impact are noted. The buildings present on site are relatively unobtrusive within the local landscape in their present location being set into the hillside and screened to a large degree by native hedgerow and mature trees that are present over the application site and adjoining land. The mobile home is sited to the rear of a previously approved stable building, which screens it from wider views within the landscape that may be available and as a result the mobile home itself is not considered to materially harm the landscape character or intrinsic value of the surrounding AONB. 6 field shelters are located within the site as are two chicken houses and one small pig arc. At present and in their current location the visual impact is very limited however, were such structures to increase in number, as would likely be required to increase the stock levels at the unit, it is likely that a considerable landscape impact would occur to the detriment of the Blackdown Hills AONB landscape character and scenic beauty (due to the limited size of the holding any new building would require express planning permission). However, field shelters when regularly moved around a site do not require planning permission and therefore any harm attached to their siting can be given little weight.

The Parish Council have raised concern over potential damage to a mature Oak tree by siting two field shelters within close proximity to the root system. Having regard to the temporary nature of these structures and taking a proportionate approach it would be unreasonable to request a tree survey to ascertain the impact upon the health of the tree concerned. The shelters are sited over ground and do not have any footings or subterranean features and therefore the likely impact is negligible upon a tree that whilst of amenity value within the landscape is not covered by the Tree Preservation Order; I also note that no concern has been raised by the Council's Landscape Officer in this regard.

Further, the site is easily accessible via a public highway although it is recognised that the lanes in the area are generally poorly aligned and narrow in width;

notwithstanding these points the proposal is not thought to result in detriment to the safety of highway users despite the likely intensification of vehicle trips to and from the site were planning permission to be granted. The holding is small and based upon the working of the land and management of stock set out within supporting documents the use of machinery and farm vehicles will be limited in this instance. Access/egress onto the adjoining narrow highway is thought to be safe with adequate visibility and sufficient parking and turning is available on site for small vehicles although this is arranged in an informal manner; the Transport Development Officer has not objected and on this basis the proposed development is thought to be acceptable from a highway safety perspective.

As noted by the Highway Authority, the site lies in a remote countryside location, some distance from any urban area and therefore distant from adequate services and facilities, such as education, employment, health, retail and leisure. There are very limited public transport services in close proximity to the site and therefore very limited transport opportunities other than the private car. As such, occupiers of a residential unit in this location would be largely dependent on private vehicles, rendering this an unsustainable form of development. In view of the lack of functional need for the agricultural workers dwelling, it is not believed that there are any planning merits of this proposal that would outweigh the highway sustainability concerns raised.

### Conclusions

It has been accepted that the agricultural enterprise at Alebar Farm has been well thought out with a considered approach by the applicant who appears to hold a firm intention to develop the business over the coming years. There is however some concern as to the overall extent to which the business can expand virtue of the holding's small scale acreage and potential detriment that could arise to the character and appearance of the AONB were additional buildings to be required on the site. Notwithstanding these matters, it seems to me that the enterprise is being planned on a sound financial basis despite operating at low cost levels; the fact that there is little to no machinery use on site and that adoption of organic principles will continue to keep running costs low whilst any produce sold will potentially attract higher value. It is accepted that the development will not unduly harm the landscape character or visual amenity of the Blackdown Hills AONB or be prejudicial to highway safety.

Despite the matters set out above, it is considered that Alebar Farm, which has low stock numbers both at present and forecast for the end of year three fails to pass the functional test set out within Annex A of Planning Policy Statement 7. It is accepted that there will at times be long working hours at the holding however this is a direct product of the applicants choice to adopt an environmentally friendly approach to working the land and tending to animal needs, it is not in itself reason to justify the need to be resident on site. The need to be 'readily available at most times' is established through the needs of the holding with regard to a worker having to be on hand day and night for issues such as animals requiring essential care at short notice or to deal with emergencies such as inclement weather or system failures that could result in the serious loss of crops or products. The enterprise does not operate any automatic systems and as considered above, the limited degree of horticulture and crop production is not sufficient so as to warrant the need for the constant presence of a worker on site. In addition, the goat rearing enterprise is limited in terms of breeding Does and therefore with only a small number of kidding's taking

place during the year the functional need for an on site worker to be readily available during day and night is not considered to be sufficient.

Having regard to the above, the unsustainable location of the site for residential development is considered to outweigh the reasons put forward that seek to justify the need for an agricultural worker to be resident on site day and night. The majority of the tasks that are undertaken at the holding on a daily basis can be done so during the normal working day and do not justify the need for on site accommodation.

For these reasons it is recommended that planning permission be refused and the council commence enforcement action seeking the removal of the mobile home and the cessation of the residential use at the site.

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

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

MAPLE TREE PROPERTIES LTD

**DEMOLITION OF DWELLING AND ERECTION OF 4 NO. DWELLINGS WITH ASSOCIATED PARKING AND 1 NO. GARAGE AT MILANWIL, MOUNTWAY CLOSE, BISHOPS HULL (AMENDED SCHEME 05/11/0032)**

Grid Reference: 321112.124621

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Subject to the receipt of amended plans detailing the relocation of a bedroom window and additional hedge planting to the front of plot 4 - Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

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

(A4) DrNo 01 Location Plan  
(A4) DrNo 02 Block Plan  
(A4) DrNo 25 Location Plan - Pattern of Development  
(A4) DrNo 27 Proposed Block Plan  
(A2) DrNo 23 Rev C Proposed Site Plan  
(A2) DrNo 19 Rev A Ground Floor Plan & Elevations Plots 1 & 2 Scheme 'A'  
(A2) DrNo 16 Rev A Existing Topography Survey  
(A2) DrNo 28 Rev A Ground Floor Plan & Elevations of Plots 3 & 4 and Garage Block

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

3. 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.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.

5.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development 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.

6. The access and area allocated for parking and turning shall be hard surfaced before the dwellings hereby permitted is occupied. It shall be properly consolidated and surfaced in a porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the

dwellings hereby approved, details of which shall be submitted to and approved in writing by the Local Planning Authority beforehand.

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

7. The area allocated for access, parking and turning on the submitted plan (Drawing: 23 Rev C) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted.

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

8. 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), there shall be no extension, addition or outbuilding, including alterations to the roof, without the further grant of planning permission.

Reason: To protect the character of the area and residential amenity of neighbouring properties, in accordance with Policy S1(D) of the Taunton Deane Local Plan.

9. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report, dated January 2011 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

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

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law in accordance with PPS9.



## **PROPOSAL**

The proposal comprises the demolition of an existing bungalow and redevelopment of the site with two semi-detached two storey dwellings and two semi-detached bungalows. The two storey dwellings have been designed with a pitched roof to match the adjoining two storey dwellings on Mountway Lane. The bungalows have been designed with a hipped roof to match the existing bungalows within Mountway Close.

The proposed dwellings will be constructed in render and brick with concrete tiles.

Parking for the new two storey properties and one of the bungalows will be served by parking spaces (2 per dwelling) to the rear of the two-storey dwellings and a single garage and parking space to serve one of the proposed bungalows (Plot 3).

A new access is proposed off Mountway Close to serve the bungalows and parking spaces. The four properties have enclosed private gardens.

The proposal is an amended scheme to application 05/10/0044. The amendments include: -

- The introduction of parking spaces to the rear of the two storey dwellings.
- Relocation of the vehicular access, and in turn revising the position of the two-storey dwellings.
- Alterations to the fenestration of the two-storey dwellings, mainly the removal of the integral garage.
- Alterations to the fenestration of the bungalows.

A further application (05/11/0032) was submitted and refused. The amended scheme proposed a three bay garage block, where parking is now proposed, and was not considered acceptable.

## **SITE DESCRIPTION AND HISTORY**

The site is currently occupied by a bungalow set at the end of Mountway Lane. The dwelling is set back from the two storey dwelling of 11 Mountway Lane and forward of the bungalow at 1 Mountway Close. The site has a long rear garden, substantially larger than the bungalows within Mountway Close. Parking is provided to the front of the dwelling. There is an existing 1.8m fence boundary to the rear and side of the site; to the front is a low wall and hedge with some small trees.

### Planning history

05/10/0044 – Demolition of dwelling and garage and erection of four dwellings, garages and associated external works at Milanwil, Mountway Close, Bishops Hull (as amended). The proposal was granted conditional approval on 25<sup>th</sup> March 2011.

05/11/0032 - Demolition of dwelling and garage and erection of four dwellings, garages and associated external works at Milanwil, Mountway Close, Bishops Hull (amended scheme to 05/10/0044). Refused on 17th August 2011.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Views awaited.

*BISHOPS HULL PARISH COUNCIL* - Views awaited.

*NATURE CONSERVATION & RESERVES OFFICERS* - No further observations, previous comments from application 05/10/0044 as follows: -

Site is short distance from River Tone and surrounded by residential properties, many with large properties.

- Bats - no bats or indication of bats in the building. Gaps on wall hanging tiles to gable ends could be potentially exploited by bats as bats have been recorded within the vicinity. Precautionary approach to demolition of building.
- Reptiles - surveyor considered site does not offer suitable habitat for reptiles or amphibians.
- Birds - Common birds observed during survey. Vegetation on boundaries provides nesting sites and should be retained.
- Badgers - no badger setts found on site, surveyor aware of badger activity in vicinity. Precautionary measures recommended.

*HERITAGE AND LANDSCAPE OFFICER* - Subject to protection of retained vegetation during construction and/or new planting, the proposals are acceptable.

### **Representations**

THREE LETTERS OF OBJECTION: -

- Additional traffic will make lane worse and dangerous for existing residents and pedestrians; extra traffic will mean more noise, pollution from dust and fumes; 8 vehicles for residents and visitors is overkill in once quiet secluded area.
- Proposal will set precedent.
- Over-development; 4 dwellings over the top for such a small plot.
- Demand of services (water, electricity etc) would increase by approximately 37.5%; Can services cope? Have investigations been undertaken? Where would supplies come from?
- Building fronting onto Mountway Close should be set back so Mountway Close not overshadowed.
- Mountway Lane and Mountway Close should be resurfaced on completion of construction; Construction vehicles should not block or access Mountway Lane.
- Laburnum and Cherry tree should have Tree Preservation Order.
- 1.8m fence should be constructed to north and east boundary to minimise view of property and provide privacy.

### **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

M4 - TDBCLP - Residential Parking Provision,

STR4 - Development in Towns,

S&ENPP49 - S&ENP - Transport Requirements of New Development,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit and, in any case, the principle of the development has been established by the previous grant of planning permission. The main issues in the consideration of this application are the design of the proposal, impact on the character and appearance of the area, residential amenity, wildlife and highway safety.

### Design

The two storey dwellings adjoining, and facing onto Mountway Lane, have been designed with a traditional pitched roof to reflect the other two storey dwellings in the area. The dwellings are set lower than the adjoining property and have a slightly lower ridge height. The integral garages that were previously approved have been removed in this amended scheme, improving the appearance of the front elevation of the dwellings. Each dwelling has an enclosed rear garden (measuring 9m x 6.8m and 9m x 6m). This is considered an acceptable amenity space for the three bedroom properties.

The two semi-detached bungalows have been designed with a hipped roof to reflect the design of the bungalows within Mountway Close. Both bungalows have an open garden to the front, with enclosed rear gardens. The rear gardens measure approximately 7m x 8.5m (plot 4) and 8m x 7m (plot 3).

The proposed bungalows have amended fenestration including the resiting of the entrance door of Plot 3 to the side of the dwelling.

### Character and appearance

The two storey dwellings have moved further away from the boundary of the adjoining property in Mountway lane; now proposed with a 4m gap that was previously 1.8m. This distance separates the proposal from the Mountway Lane and the dwellings no longer have such a close relationship with Mountway Lane and encroach further into Mountway Close, which itself consists of a group of bungalows. The new location slightly harms the character of Mountway Close and the street scene at this point, however this alone is not considered to be sufficient to warrant refusal of the application.

The proposed bungalows continue the curved pattern of development within Mountway Close and as with the previous application are not considered to harm the character of the area at this point.

The introduction of parking spaces within the centre of the site is not considered to harm the character and appearance of the site. The proposal differs to the previous refusal which proposed a permanent garage block within the site.

The sizes of the gardens are considered comparable with other properties within the area. While the majority of properties sited to the north in Mountway Lane have long rear gardens, other properties have smaller gardens. No 5 and 7 Mountway Lane are

set back from the lane with a large off road parking area to the front and smaller rear gardens. Nos 1, 3, and 4 Mountway Close also have comparable sized gardens to the proposed development.

### Residential Amenity

The two storey dwellings are not considered to harm the residential amenity of the area. Plot 2 will project beyond the rear of the neighbouring property (11 Mountway Lane) by 2m. As Plot 2 is set away from the boundary at an angle, this projection is not considered to cause any undue harm the neighbour. There are no windows within the side elevation of Plot 2. As such, there is also not considered to be any undue overlooking from Plot 2.

Plot 1, at its closest point, would be 17m away from the neighbouring property of 1 Mountway Close. Given the angle of the plot to this neighbour, there is not considered to be any undue loss of privacy. The gardens of both plots would be enclosed by a high boundary, preventing any overlooking from within the gardens and from any ground floor windows.

Plot 3 is sited to the rear of the neighbouring garden of 11 Mountway Lane. Given the distance of the proposed dwelling to the rear of the neighbouring property, there is not considered to be any impact on their amenity. The window within the side elevation will serve a bedroom. The boundary fence will partially screen these windows.

Plot 4 is sited 2m from the side boundary and 4m from 1 Mountway Close. This property has two side windows serving the bathroom and the bedroom. Both windows face onto the side of 1 Mountway Close that has windows within the side elevation. The agent has proposed to move the side bedroom window to the front of the dwelling, avoiding any future impact on residential amenity. A new hedgerow, enclosing the front garden has also been requested to avoid any overlooking or disturbance to the occupiers of the bedroom. As such there is not considered to be any harm to the amenity of the neighbouring property.

### Wildlife

A wildlife survey has been submitted as part of the application. The survey indicates that there are no bats present on site, but the building does provide opportunities for roosting. As such, a precautionary approach is advised during demolition; no suitable habitat for reptiles or amphibians; common birds observed and vegetation on boundaries provide nesting sites, and should be retained; no badger setts within the site, though aware of activity within the vicinity. The report has suggested a number of recommendations, including the mitigation for nesting birds. The Nature Conservation Officer previously suggested a condition to ensure the recommendations of the report are undertaken.

As such, it is considered that implementing the suggested recommendations and by providing mitigation for any nesting birds, the proposal can be constructed without any undue harm to protected species.

### Highways

Comments from the Highway Authority have not yet been received. Notwithstanding

this, some of the Highway Authority comments previously received equally apply to this application. Previously it was recognised that there will be an increase in traffic movements from the three additional dwellings, but do not believe this issue significant enough to warrant refusal. Furthermore, the site can provide sufficient parking, as set out in the Local Transport Plan, and turning within the site.

Although the lane is an unadopted highway, conditions previously requested by the Highway Authority were considered reasonable, and would equally apply with this application.

The main issue arising is with regard to the use of the private lane and the use of the lane to allow commercial/trade vehicles to park and the repair of the lane, if damaged.

As access to 3 & 4, and parking for Plots 1 & 2, is off Mountway Close, which is private, and managed, by seven groups of residents, it is considered their responsibility as to whether access is allowed, and is a civil/legal matter that is not material to this decision.

Once Highway comments have been provided, and update will be issued.

### Landscape

The existing Fir tree, Cherry tree and planting within the site is considered to have limited amenity value and is not worthy of a Tree Preservation Order. Notwithstanding the above comments, a landscaping scheme should be provided to compensate any loss and to provide/retain suitable nesting sites for birds.

### Conclusion

The proposed development can be accommodated within the site without harming the character and appearance of the area or residential amenity. Car parking can be provided within the site preventing vehicles from parking on the highway and increasing risk to users of the Lane. Wildlife and landscaping have been assessed and conditions are recommended. The proposal is therefore considered acceptable.

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

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

# **Taunton Deane Borough Council**

**Planning Committee - 19 OCTOBER 2011**

**E/0060/19/11**

## **ERECTION OF FENCING AND LAYING OF HARDSTANDING AT CORNER OF MILL LANE AND STOCKS LANE, HATCH BEAUCHAMP**

**OCCUPIER:** MR PETER RUST,  
THE ASHILL INN, ASHILL, ILMINSTER. TA19 9ND

**OWNER:** MR PETER RUST  
LAND AT MILL LANE, HATCH BEAUCHAMP

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### **PURPOSE OF REPORT**

To consider whether it is expedient to instigate Enforcement Action to secure the reduction of the height of the boundary fence/entrance gates and the removal of the unauthorised hardstanding following the refusal of Planning Permission for a larger development.

### **RECOMMENDATION**

The Solicitor to the Council be authorised to serve an Enforcement Notice to require the reduction in height of the boundary fence and entrance gates to 1m in height where abutting the highway and the removal of hard standing and access track within the site.

### **SITE DESCRIPTION**

The site is flat and comprises part of an agricultural field that lies between the river and the road situated to the north of Elm Bridge. The field was previously laid to grass and enclosed by a hedge. The North and East boundaries of the field adjoin the road. The western boundary is separated from the remainder of the field by a corrugated fence. The river runs along the southern boundary. there is some post and rail fencing inside the enclosure along with a vegetable garden and a small shed with mesh fencing attached to it.

### **BACKGROUND**

The works at the above site was first brought to the Council's attention on 2nd March 2011. A site visit was made where it was found that a vertical boarded fence approx. 1.8m high had been erected on the roadside boundaries. There appeared to be new planting provided in front of the new fence. Corrugated entrance gates had been provided in what is alleged to be a new access which are approx 2m in height.

The ownership of the field was established and on 15th March 2011 and a letter was sent requesting an application for the works carried out. No response was received and on 12th April 2011 a further letter was sent requesting an application without delay. On the same day the agent acting for Mr Rust telephoned the

Council confirming that an application would be submitted within the next few weeks.

A planning application for a change of use of land to erect stables and store, erection of timber fence and formation of access road was submitted and registered on 2nd June 2011. The application was subsequently refused under delegated powers on 3rd October 2011.

## **DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

Following the refusal of planning permission (to regularise the already carried out development together with the proposed stable block) the development already constructed is unauthorised. This includes the boundary fencing over 1m in height adjacent to the highway, the gates over 1m high and the access road within the site.

Any fencing that is within the site would not constitute a breach of planning control provided that it did not exceed 2 metres in height

## **RELEVANT PLANNING HISTORY**

19/11/0009 - CHANGE OF USE OF LAND TO ERECT STABLES AND STORE, ERECTION OF TIMBER FENCE AND FORMATION OF ACCESS ROAD AT LAND AT ELM BRIDGE, HATCH BEAUCHAMP. Application refused for the following reasons:

- 1 The site is located within a floodplain in open countryside and the erected fence and access road and the proposed change of use of land to erect stables and store are considered to result in significant adverse impact upon the visual amenities, wildlife and character of the surrounding area and floodplain, for which no Flood Risk Assessment has been submitted. The scheme is therefore contrary to PPS25 and Taunton Deane Local Plan Policies S1, S2, S7, EN12, EN25 and EN28.
- 2 The site is not within a defined settlement and proposed change of use is not for the purposes of agriculture or forestry and would result in an increase in traffic to and from the site. As such the development is contrary to Policy S7 of Taunton Deane Local Plan and Policies STR1 and STR6 of Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

## **RELEVANT PLANNING POLICIES**

### Taunton Deane Local Plan Policies

S1 - General Requirements  
S2 - Design  
EN12 - Landscape Character Areas

## **DETERMINING ISSUES AND CONSIDERATIONS**

The fences and gates that have been erected result in dramatic adverse visual impact upon the character and appearance of the area. The use of corrugated sheeting for the gate and fence that runs along the eastern boundary is an eyesore and it was not considered that this could be improved to an

acceptable level by landscaping alone.

The erection of the timber fence has resulted in the loss of a protected hedgerow. This loss of a hedgerow has had significant impact upon the character and appearance of the area as well as on the wildlife that would have used it. That said, the removal of a hedgerow does not require planing permission.

The solid timber fence is wholly out of character for use on a field in such a rural location. The height of the fences and gates magnify the resulting impact. There has been a small amount of planting along the fence but it is far too little to minimise the visual impact of the fence. There is insufficient room between the fence and the road to enable a fully grown hedgerow to be grown.

The laying of hardstanding next to a watercourse in the Flood Zone 3b (Functional Flood Plain) has the potential to alter ground levels and restrict or impede flood waters. No flood risk assessment was submitted with the planing application and therefore it can not be assumed that the works carried out are safe or have no adverse impact on other land (both on and off-site). It is therefore recommended that any hardstanding is removed to ensure that ground levels revert back to their original height.

The development does not relate well to the surrounding area and the design is incompatible with the rural location. It results in significant adverse impacts upon the character, appearance and wildlife of the immediate countryside.

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

CONTACT OFFICER: John A W Hardy  
356466

Tel: 01823



**APPEAL DECISION FOR COMMITTEE AGENDA – 19 OCTOBER 2011**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>DECISION</b>
APP/D3315/A/11/2149808	CHANGE OF USE OF LAND TO DOMESTIC, CONSTRUCTION OF SWIMMING POOL WITH ASSOCIATED POOL HOUSE AND WORKS AT COURT PLACE LODGE, ASHBITTLE	It is considered that the proposed development will give rise to an undesirable and detrimental impact upon key views from within the designated Ashbittle conservation area, which is located north of and adjacent to the proposed development site. The proposed swimming pool, hard landscaping and pool house, virtue of their siting, scale mass and built form will introduce features domestic in their appearance within what are key views of the natural landscape to the south of the designated conservation area. The views of the surrounding countryside from within the conservation area are unique to the village of Ashbittle, of intrinsic value and worthy of protection. As a result of the proposed	01/10/0003	The Inspector considered the harm to the character and appearance of the area and the setting of the Ashbittle Conservation Area would be seriously compromised. Users of the swimming pool, together with pool paraphernalia such as sun shades or umbrellas on the terrace, would be seen above the wall. The pool building would also be visible. In the Inspector's opinion the introduction of suburban domestic features and residential activity beyond the defined settlement limits would be a dissonant intervention that would seriously compromise the intimate relationship of the settlement to its pastoral context which is essential to the setting of the Ashbittle Conservation Area and its significance as a heritage asset. The appeal was DISMISSED.

		<p>development, the key views will be severely disrupted by the introduction of inappropriate development that is out of keeping with the natural character and appearance of the open countryside. The perceived harm arising from the proposed development is not considered to outweigh any wider benefits that may be associated to the proposal and therefore it is considered that the proposed development is in conflict with Taunton Deane Local Plan Policy EN14 (Conservation Areas), Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Policy HE10 of Planning Policy Statement 5 (Planning for the Historic Environment).</p>		
APP/D3315/A/11/2154230	FORMATION OF HARDSTANDING FOR THE SITING OF A CARAVAN, IN CONNECTION WITH	The proposal would be located within an open low lying and sensitive landscape identified as the Levels Landscape	24/10/0023	The Inspector notes that the site lies within the countryside for the purposes of planning policy and also within the Levels Landscape Character Area where development

	<p>THE MAINTENANCE OF THE ORCHARD, ERECTION OF STORAGE BUILDING AND CREATION OF AN ACCESS TRACK AT DAISY ALICE ORCHARD, WEST SEDGEMOOR ROAD, HELLAND, NORTH CURRY AS AMENDED BY APPLICANTS LETTER DATED 12 OCTOBER 2010, DESIGN AND ACCESS STATEMENT AND ATTACHED PLANS</p>	<p>Character Area in the Development Plan. In the opinion of the Local Planning Authority the creation of the extended access track, the hardstanding and tool store would be out of keeping with and detrimental to that open character and contrary to Taunton Deane Local Plan policy EN12. Members considered that there was insufficient functional need which would overcome this landscape objection.</p>		<p>proposals must be sensitively sited and designed to respect the distinct character and appearance. The proposed concrete hardstanding would be of a significant size and the development would represent a 'hard' and rather suburban feature, out of keeping with this clearly rural area. The Inspector was not persuaded that it would be necessary to be on the site for more than 28 days in any year to adequately maintain and generally tend the orchard. For these reasons he found this proposal would be harmful to the character and appearance of the surrounding area and DISMISSED the appeal.</p>
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**TDLP** = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park

## **Planning Committee – 19 October 2011**

Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, C Hill, Mrs Hill,  
Miss James, Morrell, Mrs Reed, Mrs Smith, Tooze, Watson, A Wedderkopp,  
D Wedderkopp and Wren

Officers:- Mr B Kitching (Development Management Lead), Mrs J Moore (Major  
Applications Co-ordinator), Mr M Bale (West Area Co-ordinator),  
Mr R Williams (Planning Officer), Mrs J Jackson (Legal Services Manager),  
and Miss M Casey (Planning and Litigation Solicitor)

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

(The meeting commenced at 5.00 pm)

### **92. Apology**

Councillor Mrs Messenger.

### **93. Declarations of Interest**

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control.

### **94. Application for Planning Permission**

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

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

**46/11/0020**

**Change of use of land to site mobile home for use as agricultural workers dwelling at Alebar Farm, Blackmoor, West Buckland (retention of works already undertaken)**

#### **Reasons**

The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. Whilst the

business being operated from the site comprises a mix of enterprises, the overall business remains of a small scale and of a nature where the vast majority of work can be carried out and most problems/emergencies are likely to occur during part of the normal working day (however long that day may be). As such, it has not been proven that it is essential for the proper functioning of the enterprise for a worker to be readily available at most times. Therefore the functional need for the retention of the mobile home has not been demonstrated and the development fails the functional test set out in Planning Policy Statement 7, Annex A. The proposal therefore represents an unjustified residential development in the open countryside, contrary to Policies S1 (General Requirements) and S7 (Outside Settlements) of the Taunton Deane Local Plan, Policies STR1 & STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained within Planning Policy Statement 1 (Delivering Sustainable Development) Planning Policy Statement 3 (Housing) and Planning Policy Statement 7 (Sustainable Development in Rural Areas).

Also **resolved** that:-

- (i) an enforcement notice be served to cease residential occupation of the site and to secure the removal of the mobile home and other unauthorised structures;
- (ii) the Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- (iii) the time period for compliance with the notice be six months.

**95. Demolition of dwelling and erection of 4 no. dwellings with associated parking and 1 no. garage at Milanwil, Mountway Close, Bishops Hull (amended scheme 05/11/0032) (05/11/0037)**

Reported this application.

**Resolved** that subject to the receipt of amended plans detailing the relocation of a bedroom window and additional hedge planting to the front of plot 4, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A4) DrNo 01 Location Plan;
- (A4) DrNo 02 Block Plan;
- (A4) DrNo 25 Location Plan – Pattern of Development;
- (A4) DrNo 27 Proposed Block Plan;
- (A2) DrNo 23 Rev C Proposed Site Plan;
- (A2) DrNo 19 Rev A Ground Floor Plan and Elevations Plots 1 and 2 Scheme 'A';
- (A2) DrNo 16 Rev A Existing Topography Survey;
- (A2) DrNo 28 Rev A Ground Floor Plan and Elevations of Plots 3 and 4 and

Garage Block;

- (c) 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;
- (d) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority.  
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.  
(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) The access and area allocated for parking and turning shall be hard surfaced before the dwellings hereby permitted is occupied. It shall be properly consolidated and surfaced in a porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings hereby approved details of which shall be submitted to, and approved in writing by, the Local Planning Authority beforehand;
- (g) The area allocated for access, parking and turning on the submitted plan (Drawing: 23 Rev C) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted;
- (h) The garage door for plot 3 shall be of a roller shutter type and permanently retained as such.
- (i) 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), there shall be no extension, addition or outbuilding, including alterations to the roof, without the further grant of planning permission;
- (j) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report, dated January 2011 and include:-
  - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;

- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
- Measures for the retention and replacement and enhancement of places of rest for the species.

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

(Notes for applicant:- (1) Applicant was advised that the access hereby permitted should not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access; (2) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.)

#### **Reason for planning permission, if granted:-**

The proposal, for residential development, was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

#### **96. Proposed development of 51 residential dwellings with associated access, roads, footways, drainage, parking and landscaping at The Hatcheries, Bathpool, Taunton (48/11/0023)**

Reported this application.

**Resolved** that subject to:-

(1) The applicants entering into a Section 106 Agreement to secure the following:-

Transportation - A package of highway improvements including:-

1. The design, construction and funding of a Right Turn Lane junction at the site access;
2. The design, construction and funding of a Toucan crossing on the A38 to the north-east of the site;
3. Implementation of an approved Full Travel Plan for the development, such travel plan to have been agreed in full prior to the signing of the Section 106 Agreement (prior to reserved matters or commencement of the development), appended to the agreement and supported by a Full Travel

- Plan schedule which contains a full range of measures to assist with sustainable travel including residential cycle parking;
4. Residential travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property, to aid with uptake of smarter travel choices;
  5. Smarter travel management fund of £5000 to aid with the provision of matters such as on-site cycle servicing for residents and other events/one-off promotions to assist a travel plan coordinator to promote sustainable travel, for the initial period of the Travel Plan; and
  6. Bus stops and shelters on both sides of the road between Bathpool and Brittons Ash at a location and specification to be agreed with the County Highway Authority.

Affordable housing - 13 units comprising 100% intermediate rent.

#### Education

- i) Financial contributions for the provision of six primary school places and three secondary school places at a total of £128,949; and
- ii) Payments to be phased with 50% payable at the commencement of development and 50% on the commencement of the final 50% of dwellings.

#### Leisure

- i) The provision of £56,100 towards recreation facilities; and
- ii) The provision of £68,200 towards off site open space provision; and

(2) The provision of acceptable amended landscaping details,

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

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - 0368/102G Planning Layout;
  - 0368/103E Street Elevations;
  - 0368/104H External Works Layout;
  - 0368/105G Vehicle Tracking Layout;
  - 0368/107G Adoption Plan;
  - 0368/108G Materials Plan;
  - 0368/302C Road and Sewer Long Sections;
  - 0368/320F Drainage Strategy; and
  - Energy Statement;
- (c) Notwithstanding the submitted details, 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;

- (d) The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority;
- (e) The proposed roads, 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 carriageway and footpath;
- (f) The development shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
- (g) No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted plan 0368-102 rev E for cars to be parked;
- (h) Where the garage door is to be an up and over style there shall be an area of hard standing at least 6m in length as measured from the nearest edge of the highway to the face of the garage doors unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (i) No dwelling shall be occupied until a covered and secure space has been laid out within the site for 51 bicycles to be parked, 1 for each dwelling unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (j) Prior to the commencement of works on site a foul and surface water drainage strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall include arrangements for the points of connection and capacity improvements required to serve the development and the timing for the implementation of the strategy. Prior to the occupation of any of the dwellings hereby permitted the drainage scheme shall be fully implemented in accordance with the approved details unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (k) No development approved by this permission shall be commenced until details for the intended operational and maintenance plan for all drainage works serving the site are submitted to, and agreed in writing by, the Local Planning Authority. The approved drainage for the site shall be installed prior to the occupation of any dwellings hereby permitted and shall thereafter be maintained in strict accordance with the maintenance plan and in full working condition thereafter unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (l) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions a) to c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning

Authority in writing until condition d) has been complied with in relation to that contamination.

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

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

An assessment of the potential risks to

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

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

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

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

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

necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

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

- (m) Prior to the commencement of any development works on site in association with the dwellings hereby permitted, the applicant shall provide details of the noise mitigation measures as outlined in the report ref UK18-14949 Noise Environ, February 2010. This shall include details of acoustic windows, ventilation, the facades that require additional noise attenuation and details of the proposed noise barrier. This shall include confirmation that the proposed attenuation system will meet the requirements of standards outlined in the report and BS8233. The proposed development shall thereafter be built in accordance with those details and thereafter maintained as such unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;
- (n) No dwelling hereby permitted shall be occupied until the traffic controlled crossing of the A38 has been installed and is operational;
- (o) Prior to the occupation of any of the dwellings hereby permitted, a fully equipped Children's Play Area shall be provided on site in accordance with the details shown on plan number 185.09.SK100. The Children's Play Area shall thereafter be maintained in a safe condition and in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority;
- (p) Development shall not be commenced until details of a scheme to protect and enhance the development for nesting birds has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be based upon the advice in Michael Wood Associates's submitted report dated November 2009 concerning:-
  - 1. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance; and
  - 2. Measures for the enhancement of places for nesting birds.Once approved, the works shall be implemented in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority;

- (q) (i) The landscaping/planting scheme shown on the submitted plan 185.09.PP01 rev G shall be completely carried out within the first available planting season from the date of commencement of the development.
- (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (p) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised to formulate all physical design features of the dwellings i.e. doorsets, windows, security lighting etc in accordance with the Police approved 'Secured by Design' award scheme, full details of which are available on the SBD website or by contacting the Police Liaison Officer; (2) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (3) Applicant was advised to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site; (4) Applicant was advised to make provision within the site for the disposal of surface water so as to prevent its discharge onto the highway.)

**97. Erection of fencing and laying of hardstanding at the corner of Mill Lane and Stocks Lane, Hatch Beauchamp**

Reported that it had come to the attention of the Council that a vertical boarded fence, approximately 1.8m high, had been erected without planning permission on the boundary of an area of land at the corner of Mill Lane and Stocks Lane, Hatch Beauchamp. A hardstanding had also been laid on the land concerned which was next to a watercourse in Flood Zone 3b without consent.

Although the owner of the land had attempted to regularise the situation by submitting a planning application for a larger scheme which included the retention of both the fence and the hardstanding, the application had been refused under delegated powers earlier in the month.

The Committee had therefore been recommended to take enforcement action to seek the removal, or reduction in height, of the fence and the removal of the hardstanding.

During the discussion of the item, Members agreed that further evidence as to whether the hardstanding had altered ground levels to the extent that it would restrict or impede flood waters should be obtained.

**Resolved that:-**

- (i) An enforcement notice be served to seek the removal, or reduction in height, of the unauthorised fence which had been erected on land at the corner of Mill Lane and Stocks Lane, Hatch Beauchamp;
- (ii) Should investigations show that future flood waters were likely to be restricted or impeded, a further enforcement notice be served to seek the removal of the unauthorised hardstanding which had been laid on the land concerned;
- (iii) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice(s) was not complied with; and
- (iv) The time period for compliance with the notice(s) be three months.

**98. Appeals**

Reported that two appeal decisions had been received, details of which were submitted. Both appeals had been dismissed.

(The meeting ended at 6.55 pm)