

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 11 January 2012 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meetings of the Planning Committee held on 9 November, 30 November, 1 December and 14 December 2011 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 44/11/0020 - change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space at Beacon Lane Farm, Wellington (attached)
- 6 43/11/0098 - relocation of the Mount Veterinary Hospital to include the erection of a two storey building with large animal procedure room, creation of new vehicle access, paddock and associated car parking with diversion of footpath at land to the south of Taunton Road, Wellington (attached)
- 7 38/11/0596 - application for the approval of reserved matters following applications 38/99/0394 and 38/06/0135 for the erection of 204 no. 2, 3 and 4 bedroom dwellings with associated infrastructure and external works, areas a, b, c and d, Firepool Lock, Taunton (attached)
- 8 38/11/0595 - application for the approval of reserved matters following applications 38/99/0394 and 38/06/0135 for the erection of 36 no. 2 bedroom apartments with associated infrastructure and external works, area j, Firepool Lock, Taunton (attached)
- 9 14/11/0048 - erection of detached combined covered car port/bin store/bike store and garages to serve numbers 1 and 2 St Michael Cottages, Vicarage Lane, Creech St Michael (attached)
- 10 14/11/0044 - erection of single storey extension to the side and rear at 10 Crown Lane, Creech Heathfield (attached)

- 11 10/11/0042 - erection of a six bedroom holiday chalet with associated external garden, pond and parking areas at Pay Plantation, Stapley (attached)
- 12 E/0101/38/11 and E/0102/38/11 - Works to a listed building and display of unauthorised advertisements at 21 East Street, Taunton (attached)
- 13 E/0123/47/11 - Erection of large gate at field entrance adjoining Copse Hill, Church Lane, West Hatch (attached)
- 14 Planning Appeals - The latest appeals lodged and decisions received (attached)

Tonya Meers
Legal and Democratic Services Manager

08 May 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

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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

Planning Committee – 9 November 2011

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, Mrs Hill,
Miss James, Nottrodt, Mrs Reed, Tooze, Watson, Ms Webber and
D Wedderkopp

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)

99. Apologies/Substitutions

Apologies: Councillors C Hill, Mrs Messenger, Morrell, Mrs Smith and Wren
Substitutions: Councillor Ms Webber for Councillor C Hill
Councillor Nottrodt for Councillor Morrell

100. Minutes

The minutes of the meeting of the Planning Committee held on 28 September 2011 were taken as read and were signed.

101. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Mrs Hill declared a prejudicial interest in application No 47/11/0008 and left the meeting during the consideration of this item. Councillor Miss James declared a personal interest in application Nos 08/10/0008 and 08/10/0009 as she was a member of both the Somerset Wildlife Trust and the National Trust. Councillor Nottrodt declared a personal interest in application Nos 08/10/0008 and 08/10/0009 as the Ward Councillor. Councillor Ms Webber declared a personal interest in application Nos 08/10/0008, 08/10/0009 and 08/11/0021 as the Chairman of Cheddon Fitzpaine Parish Council. Councillor Bishop declared that he had attended a parish council meeting where Agenda item 11 had been discussed. However, he did not consider that he had fettered his discretion.

102. Applications for Planning Permission

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

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

08/11/0021

Erection of single storey rear extension at 5 The Shoulders, Cheddon Fitzpaine

Conditions

- (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 approved plans.

Reason for granting planning permission:-

The proposed development would not harm either visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

47/11/0008

Erection of two storey extension and porch to the west elevation and change of use of part of adjoining field to incorporate within domestic curtilage at Mitchams, Prey Lane, Slough Green, West Hatch (resubmission of 47/11/0006)

Conditions

- (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 approved plans;
- (c) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building, unless otherwise agreed in writing with the Local Planning Authority.

Reason for granting planning permission:-

The size, scale, design and positioning of the two storey extension were not incongruous and did not detract from the simple linear form of the west elevation and were in compliance with policies of the Taunton Deane Local Plan.

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

Members felt that the size, scale and design of the proposal did not detract from the rural character of the surrounding landscape.

(Councillor Mrs Hill declared a prejudicial interest in the above application and left the meeting before detailed consideration took place.)

103. Residential development of 27 affordable dwellings with associated parking and site works forming Phase 1 at land to the north of Ladymead Community School, Cheddon Road, Taunton

Reported this application.

Resolved that subject to:-

(1) The satisfactory resolution of the outstanding issue relating to protected species on the site (provision of habitat for Greater Crested Newts); and

(2) The applicants entering into a legal agreement to secure:-

- (i) An appropriate mix of 100% affordable housing as identified in the Committee report;
- (ii) Off-site landscaping and planting as identified in the Hestercombe House Special Area of Conservation (SAC) test of significance;
- (iii) A phasing of works as identified in the Hestercombe House SAC test of significance;
- (iv) Any other outstanding issues that were appropriate and identified in the outstanding consultation responses; and
- (v) Green Travel Vouchers to be provided, in line with Somerset County Council guidance, and with a value of £100-£250 depending on the size of the dwelling,

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) Time limits for implementation of the development;
- (b) List of approved plans;
- (c) Submission of materials;
- (d) Landscaping and subsequent maintenance;
- (e) Details of an appropriate surface water drainage system;
- (f) Biodiversity mitigation;
- (g) Travel plan;
- (h) Highways conditions;
- (i) External lighting;
- (j) Finished floor levels; and
- (k) Boundary treatments.

(Note : As detailed consultation responses were outstanding at the time of writing the Committee report, precise wording of planning conditions was still to be agreed.)

Reason for planning permission, if granted:-

Although outside of the defined development limits of Taunton the proposal addressed a specific housing need of affordable housing and low-cost home ownership in a location which had good links to local facilities and would not have any adverse impact on wildlife. The proposal also included a stronger landscape buffer between the existing development and open countryside that acted as a bat foraging area. It was considered that these specific benefits outweighed the normal restrictions on development outside of the defined settlement but in a sustainable location. The proposal accorded with Policies S1 and S2 of the Taunton Deane Local Plan.

104. Outline application for a residential development of 100 affordable dwellings with associated site works on land North of Ladymead Community School, Cheddon Road, Taunton (08/10/0009)

Reported this application.

Resolved that subject to:-

(3) The satisfactory resolution of the outstanding issue relating to protected species on the site (provision of habitat for Greater Crested Newts); and

(4) The applicants entering into a legal agreement to secure:-

- (i) An appropriate mix of 100% affordable housing as identified in the Committee report;
- (ii) Off-site landscaping and planting as identified in the Hestercombe House Special Area of Conservation (SAC) test of significance;
- (iii) A phasing of works as identified in the Hestercombe House SAC test of significance;
- (iv) Any other outstanding issues that were appropriate and identified in the outstanding consultation responses; and
- (v) Green Travel Vouchers to be provided, in line with Somerset County Council guidance, and with a value of £100-£250 depending on the size of the dwelling,

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) Time limits for implementation of the development;
- (b) List of approved plans;
- (c) Submission of materials;
- (d) Landscaping and subsequent maintenance;
- (e) Details of an appropriate surface water drainage system;
- (f) Biodiversity mitigation;
- (g) Travel plan;
- (h) Highways conditions;
- (i) External lighting;
- (j) Finished floor levels; and
- (k) Boundary treatments.

(Note : As detailed consultation responses were outstanding at the time of writing the Committee report, precise wording of planning conditions was still to be agreed.)

Reason for planning permission, if granted:-

Although outside of the defined development limits of Taunton the proposal addressed a specific housing need of affordable housing and low-cost home ownership in a location which had good links to local facilities and would not have any adverse impact on wildlife. The proposal also included a stronger landscape buffer between the existing development and open countryside that acted as a bat foraging area. It was considered that these specific benefits outweighed the normal restrictions on development outside of the defined settlement but in a sustainable location. The proposal accorded with Policies S1 and S2 of the Taunton Deane Local Plan.

105. Erection of 18 affordable apartments together with associated access works, parking and landscaping on land at 49 Wordsworth Drive, Taunton

The above application was granted planning permission on 16 August 2010. Condition 6 of the approval stated that “The existing trees and hedge along the southern boundary of the site shall be retained and shall not be lopped, topped or removed without the agreement in writing of the Local Planning Authority.”

An application had subsequently been submitted to address the requirements of the condition. This had followed a tree survey of the trees on the southern boundary which had concluded that the trees were in poor structural condition and had a limited remaining life expectancy of less than 10 years.

The applicant’s intention was therefore to remove the trees/hedge concerned and replace them with semi mature trees so as to provide a more instant effect which would be visually attractive, enhance the development and surrounding buildings and provide all year round visual interest.

A revised plan had been sought following neighbour consultations and the lack of evergreen species as part of the replacement planting. The Landscape Officer had advised on the revised planting scheme and was satisfied with the proposals which included Holly, Hornbeam and Scots Pine.

As the existing boundary was totally evergreen, objections from local residents had been received on the basis that the replacement trees were not of the same evergreen species and could give rise to overlooking issues in the winter time.

Members felt that the Landscape Officer should be requested to reconsider the suitability of the species of trees/hedge to replace the existing southern boundary. The extension of the length of screening beyond what was there at the moment was also supported.

Resolved that subject to the Landscape Officer and the applicants agreeing an amended scheme for the replacement of trees along the southern boundary of the

site at 49 Wordsworth Drive, Taunton, the Growth and Development Manager in consultation with the Chairman be authorised to agree the application.

106. Large container sited to the front of garages on Rydon Lane, Taunton

Reported that it had come to the Council's attention that a large container had been sited against the south-west boundary of the hardstandings to the front of the garages in Rydon Lane, Taunton.

The owner of the container had been informed that planning permission was required to retain it on the site but, to date, no application to regularise the situation had been received.

Resolved that:-

- (i) An enforcement notice be served to seek the removal from the land of the unauthorised container which had been sited on the hardstandings to the front of the garages in Rydon Lane, Taunton ;
- (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 weeks.

107. Appeals

Reported that one appeal had been lodged, details of which were submitted.

108. Exclusion of the Press and Public

Resolved that the Press and Public be excluded from the meeting for the following item because the likelihood that exempt information would otherwise be disclosed relating to Clause 2 of Schedule 12(A) to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

109. Schedule of Alleged Contraventions up to 30 September 2011

Reported details of the Schedule of Alleged Contraventions for the second quarter of 2011 (July, August and September 2011). The Schedule provided details of the following information:-

1. Cases that were under investigation at the end of Quarter 2;
2. Cases that were closed during Quarter 2; and
3. Cases where formal enforcement action had been authorised with an update on the current situation as at end of Quarter 2.

Resolved that the report be noted.

(The meeting ended at 7.15 pm)

Planning Committee – 30 November 2011

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

Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area
Co-ordinator), Miss M Casey (Planning and Litigation Solicitor) and
Mrs G Croucher (Democratic Services Officer)

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

(The meeting commenced at 5.00 pm)

110. Apologies/Substitution

Apologies: Councillors Mrs Messenger, Mrs Smith and Tooze
Substitution: Councillor Horsley for Councillor Mrs Smith

111. Minutes

The minutes of the meeting of the Planning Committee held on 19 October 2011 were taken as read and were signed.

112. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Wren declared a prejudicial interest in application No 23/11/0033/LB and left the meeting during the consideration of this item. Councillor Wren also declared a personal interest as an employee of Natural England. Councillor Horsley declared a prejudicial interest in application No 38/11/0620 and left the meeting during the consideration of this item. Councillors Bowrah, A Govier and Mrs Reed declared that they had attended a town council meeting where Agenda items 8 and 9 had been discussed. However, they did not consider that they had fettered their discretion. Councillor Mrs Hill declared that she was a Member of the Hestercombe House Board of Trustees and considered that she had not fettered her discretion with regard to Agenda item 10.

113. 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:-

23/11/0033/LB

Installation of 12 ASolar PV panels on south facing roof at Haven House, Fore Street, Milverton

Reasons

The panels, by reason of their location, expanse of coverage and prominence, would have a detrimental impact on the character of the building. Therefore, the building would not be preserved, contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

114. Application to alter the approved layout and house design for plots 8 and 9 of approval 20/04/0026 for the development at Hill Farm, Kingston St Mary (20/11/0015)

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Agreement to secure the contributions towards leisure and recreation facilities sought under the previous planning permission, 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 1111-05 Location plan;
 - (A1) DrNo 1111_04 Rev A site layout; and
 - (A1) DrNo 1111_03 Rev A Floor plans and elevations - plots 8 and 9 and covered parking;
- (c) Prior to their installation, details and/or 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) (i) Prior to its implementation, 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.

Reasons for planning permission, if granted:-

The proposed development, when compared to the extant permission would not impact unreasonably upon the character and appearance of the area generally and the natural beauty of the Quantock Hills Area of Outstanding Natural Beauty specifically; the amenity of existing and proposed neighbouring residents or the highway network. It was, therefore, in accordance with Policies S1 (General Requirements), S2 (Design) and EN10 (Areas of Outstanding Natural Beauty) of the Taunton Deane Local Plan and Policy 49 (Transport Requirements of New Developments) of the Somerset and Exmoor National Park Joint Structure Plan Review.

115. Change of use from mixed A1 retail and A3 cafe use to mixed A3 cafe and A5 hot food takeaway use at 25 Bridge Street, Taunton (38/11/0620)

Reported this application.

Resolved that subject to the receipt of no adverse comments from Environmental Health and no new objections raising new issues by 8 December 2011, 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 condition be imposed:-

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

(Notes to applicant:- (1) Applicant was advised that any alterations to the shop front will require planning permission, and that any new signage may require advertisement consent; (2) Applicant was advised that any external flue will require separate planning permission and the granting of this permission does not infer that such a flue would be acceptable. The flue should vent above the highest part of the building, 1m above the eaves of the building or nearby windows, to allow for fumes and odours to disperse.)

Reasons for planning permission, if granted:-

The proposal was considered not to have a detrimental impact upon visual amenity, residential amenity or the vitality and viability of the defined Secondary Shopping Area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and T21 (Secondary Shopping Area).

116. Conversion/alteration/extension to provide four shops and six apartments at Nos. 2 - 6 Cornhill, Wellington and outline application for the demolition of existing structures and the erection of 30 dwellings on land adjoining North Street Car Park, Wellington (43/11/0083)

Reported this application.

Resolved that subject to:-

- (1) The receipt of further information as to the historic significance of some of the buildings to be demolished and the agreement of the Heritage Lead that the demolition was justified and would preserve the character and appearance of the Conservation Area;
- (2) The Applicant entering into a Section 106 Agreement to secure the provision of £5750 towards children's play facilities; and
- (3) The submission of an amended plan showing a more suitable rear elevation for Nos. 4 and 5 Cornhill,

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) Insofar as it relates to the works to Nos. 2 - 6 Cornhill, the development hereby permitted shall be begun within three years of the date of this permission. Insofar as it relates to the erection of 30 dwellings (new build plots 1-30), approval of the details of the appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) DrNo 09007-L.01.01 Rev A Location Plan;
 - (A3) DrNo 09007-L.01.02 Rev A Existing Site Plan;
 - (A1) DrNo 09007-L.01.03 Rev C Proposed Site Layout;
 - (A3) DrNo 09007-L04.01 Proposed Elevations;
 - (A1) DrNo 09159-L04.02 Rev B Proposed Elevations;
 - (A1) DrNo 09159-L04.01 Rev B Existing Elevations;
 - (A3) DrNo 09159 L02.01 Existing Floor Plans;
 - (A1) DrNo 09159-L04.02 Rev B Proposed Elevations;
 - (A1) DrNo 09159-L02.02 Rev B Proposed Floor and Roof Plans;
- (c) Full details of facilities for cycle parking shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted in respect of condition (a). The approved details shall be implemented prior to the occupation of the plot to which they relate and shall thereafter be retained as such;
- (d) Full details of facilities bin storage shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted in respect of condition (a). The approved details shall be implemented prior to the occupation of the plot to which they relate and shall thereafter be retained as such;
- (e) 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;

- (f) No demolition or alteration to Nos. 2 - 6 Cornhill shall be undertaken until the implementation of a programme of building recording and analysis has been submitted to, and agreed in writing with, the Local Planning Authority and such work shall be carried out in accordance with the written brief prior to the demolition or alteration of the existing buildings;
- (g) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ecologic Environmental consultant's submitted reports; dated January 2011 and up to date bat surveys and include:-
 1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
 2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance; and
 3. Measures for the enhancement of places of rest for, breeding birds and bats.

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

- (h) Prior to the occupation of the development hereby permitted, a residential travel plan shall be submitted to, and approved in writing by, the Local Planning Authority. The travel plan shall be based upon the principles set out in the 'Residential Travel Plan Statement'. The approved travel plan shall be implemented in accordance with the details agreed within the travel plan;
- (i) The proposed estate roads, footways, footpaths, cycleways, sewers, drains, vehicle overhang margins, junctions, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The approved details shall be implemented such that each dwelling is served by a properly consolidated surface, at least to base course level, prior to its occupation. The scheme shall be completed prior to occupation of 90% of the new build dwellings (plots 1-30) hereby permitted;
- (j) The works to Nos. 2 - 6 Cornhill hereby permitted shall be carried out such that the buildings are capable of occupation prior to the occupation of 50% of the new build dwellings (plots 1-30);
- (k) The ground floors of Nos. 2 - 6 Cornhill are hereby permitted for uses in the following Classes of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without

- modification): A1, A2, B1(a), D1;
- (l) The ground floors of Nos. 4 and 5 Cornhill may be used independently to each other or as one single unit in accordance with Condition (k).
 - (m) The applicant shall ensure that all construction vehicles leaving the site are in such a 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, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to construction commencing, and thereafter maintained until the use of the construction on-site discontinues;
 - (n) 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), the dwellings hereby permitted shall not be extended and no windows (other than those that may be approved under condition (a)) shall be inserted into the rear elevations of plots 21-24, and there shall be no alteration or erection of any means of enclosure other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
 - (o) Prior to the commencement of the new build development (plots 1-30) hereby permitted full details of the means of vehicular access to the site where the vehicular access crosses from the North Street Car Park over the footpath between that car park and Fore Street shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out and thereafter retained as such in accordance with the approved details prior to the occupation of any dwellings hereby permitted.

Reasons for planning permission, if granted:-

The proposed development was well designed in terms of its layout and scale and paid respect to the historic built environment of the centre of Wellington. It would not impact unreasonably upon the local highway network or the amenities of existing neighbouring property. The character and appearance of the Conservation Area would be preserved and, in some respects, enhanced and the listed buildings within and their settings would be preserved. The proposal was, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN23 (Areas of High Archaeological Potential), and M4 (Residential Parking Provision) of the Taunton Deane Local Plan; Policies 9 (The Built Historic Environment), Policy 11 (Areas of High Archaeological Potential) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review; advice contained in Planning Policy Statement 5 (Planning for the Historic Environment) and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

117. Erection of 4 No. two bedroom cottages and 3 No. two bedroom cottages to the rear of the former Three Cups, Fore Street, Wellington (43/11/0106)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement to secure contributions towards recreation facilities, 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:-
 - (A3) DrNo 07/05/150 Floor Plans;
 - (A3) DrNo 07/05/151 Floor Plans;
 - (A3) DrNo 07/05/152 Elevations;
 - (A3) DrNo 07/05/153 Elevations;
 - (A3) DrNo 07/05/154 Elevations;
 - (A3) DrNo 07/05/201C Proposed Site Plan;
 - (A4) DrNo 07/05/2000 Location Plan;
 - (A3) DrNo 201D Proposed Site Plan;
 - (A3)DrNo 51A Floor Plans;
 - (A3) DrNo 153A Elevations;
- (c) 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;
- (d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the development hereby permitted and shall thereafter be retained as such;
- (e) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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;
- (f) Prior to its construction, full details of the proposed boundaries between the dwellings and the access road/turning area shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration;
- (g) Prior to its construction, full details of the proposed boundary between the public footpath and the access road/turning area shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary shall take the form of a wall of at least 1m in height. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration;

- (h) (i) Prior to its installation, 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;
- (i) Prior to the construction of the access/turning area, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied and shall thereafter be retained as such;
- (j) Prior to the occupation of the dwellings hereby permitted, the bin and cycle storage facilities indicated on drawing 07/05/201D shall be provided and capable of use and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority;
- (k) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no extensions shall be added, no additional windows shall be installed, no gates fences, walls or other means of enclosure shall be constructed and no outbuildings shall be erected other than those expressly authorised by this permission without the further grant of planning permission.

Reasons for planning permission, if granted:-

The proposed development was acceptably designed and would not impact unreasonably upon other nearby residents, the highway network, the adjoining public footpath, archaeological remains or the character and appearance of the Conservation Area or adjoining listed buildings. It would, therefore, be in accordance with Policies S1 (General Requirements), S2 (Design) and EN23 (Areas of High Archaeological Potential) of the Taunton Deane Local Plan, Policies 9 (The Built Historic Environment), 11 (Areas of High Archaeological Potential) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

118. Installation of ground mounted photovoltaic panels in Gotten Copse at Hestercombe Gardens, Cheddon Fitzpaine (48/11/0030)

Reported this application.

Resolved that subject to the receipt of no adverse comments from English Nature by 13 December 2011, 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:-
 - (A3) DrNo 771.122 Location Plan;
 - (A1) DrNo 771.120 Section and Elevation;
 - (A1) DrNo 771.119A Site Plan;
- (c) Prior to the installation of any part of the solar panels and mounting, details/ specifications of the solar panels to be used on the development hereby permitted shall 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) (i) Before any part of the permitted development is brought into use, further details of the planting, 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 the development being brought into use, or as otherwise extended with the agreement in writing of the Local Planning Authority.
(iii) For a period of five years after the completion of the planting, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (e) Prior to the installation of any part of the solar panels and mounting, details of the precise route of the cable, along with a tree protection method statement shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reasons for planning permission, if granted:-

The proposed photovoltaic panels, although visible in the landscape were not considered to appear prominent. The proposal was not considered to result in harm to the character and appearance of the countryside, the special historic interest of Hestercombe House and Gardens, its surrounding Conservation Area or listed buildings. As confirmed by the test of likely significant effect, there would be no significant effects on feeding habitat or flight lines of the protected Lesser Horseshoe Bats and due to the location, the proposal was not considered to result in material harm to the amenities of nearby properties or to the setting of the adjacent listed buildings. Furthermore, the scheme would promote renewable energy. As such, the proposal was in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 22 (Renewable Energy), Planning Policy Statement 5 (Planning for the Historic

Environment), policies 5 (Landscape Character) and 9 (The Built Historic Environment) of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S1 (General Requirements), S2 (Design), EN3 (Local Wildlife and Geological Interest), EN12 (Landscape Character Areas), EN14 (Conservation Areas), C12 (Renewable Energy) and EN20 (Parks and Gardens of Special Historic Interest) of the Taunton Deane Local Plan.

119. Appeals

Reported that one appeal had been lodged and one appeal decision received, details of which were submitted.

(The meeting ended at 7.26 pm)

Planning Committee – 1 December 2011

- Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Denington, C Hill, Mrs Hill, Miss James, Morrell, Tooze, Watson, Ms Webber, A Wedderkopp, D Wedderkopp and Wren
- Officers:- Mr T Burton (Growth and Development Manager), Mrs J Moore (Major Applications Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager and Mr R Bryant (Democratic Services Manager)

(The meeting commenced at 5.00 pm)

120. Apologies/Substitution

Apologies: Councillors A Govier, Mrs Messenger, Mrs Reed and Mrs Smith
Substitution: Councillor Ms Webber for Councillor Mrs Reed

121. Declarations of Interest

Councillor D Wedderkopp declared personal interests as a Member of Somerset County Council and a member of the Somerset Waterways Trust. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared personal interests as an employee of Viridor and as a member of the Somerset Waterways Trust. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillors Mrs Allgrove and Bishop declared personal interests as members of the Somerset Waterways Trust. Councillor Ms Webber declared personal interests both as the Chairman of Cheddon Fitzpaine Parish Council and as a tenant of the Crown Estate.

122. Applications for Planning Permission

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

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

31/11/0026

Erection of conference events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse, extension of car park and temporary erection of two tents at Woodlands Castle, Ruishton

Conditions

- (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:-

(A1) DrNo 22912/001/100 Rev B General Arrangement;
(A4) DrNo 694B/01 Location Plan;
(A1) DrNo 694B/02B Existing Site Plan;
(A1) DrNo 694B/04 Existing Lower Ground Floor Plans;
(A1) DrNo 694B/05 Existing Ground Floor Plans;
(A1) DrNo 694B/06 Existing First Floor Plans;
(A1) DrNo 694B/07 Existing Elevations 1/2;
(A1) DrNo 694B/08 Existing Elevations 2/2;
(A1) DrNo 694B/09 Existing Sections;
(A1) DrNo 694B/10 Proposed Lower Ground Floor Plans;
(A1) DrNo 694B/11 Proposed Ground Floor Plans;
(A1) DrNo 694N/12 Proposed First Floor Plans;
(A1) DrNo 694B/13 Proposed Elevations 1/2;
(A1) DrNo 694B/14 Proposed Elevations 2/2;
(A1) DrNo 694B/19 Proposed Temporary Marquee;
(A1) DrNo 694B/15A Proposed Sections;

- (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) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats and nesting birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of a Bat Emergence Survey to be carried out, and Michael Woods Associates Ecological Survey dated July 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 bats and nesting birds could be harmed by disturbance; and
 - Measures for the enhancement of places of rest for nesting birds and possibly bats.

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

- (f) Noise from amplified music or speech from the licensed premises shall not be audible at the points marked A, B and C on the attached plan at any times. This condition shall not apply to amplified broadcasts made in connection with evacuation of the premises in the event of fire or other emergency;
- (g) A Green Travel Plan shall be submitted prior to the new temporary or permanent facility being brought into use and subsequently shall be implemented in accordance with the action plan specified unless otherwise agreed in writing by the Local Planning Authority. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan and the Travel Plan shall be carried out as approved;
- (h) The bollards to close the old access drive shall be maintained at all times;
- (i) The reinstatement of the boundary wall of the walled garden shall be carried out prior to the new permanent conference building being brought into use;
- (j) The two temporary tents hereby permitted shall be removed from the site on or before 31 May 2016;
- (k) Prior to construction of the new pergola and paved terrace details of the existing and proposed ground levels shall be submitted to, and approved in writing by, the Local Planning Authority;
- (l) There shall be no fireworks or Chinese lanterns used at the site unless otherwise agreed in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation 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.)

Reasons for granting planning permission:-

The principle of expanding an existing business use outside defined settlement limits was considered acceptable and the proposal was considered not to harm visual or residential amenity or the character and setting of the listed building and was therefore considered to be in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, PPS5, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, and accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Development Outside Settlements), EC2 (Expansion of Existing Firms on Land Subject to Restrictive Policies), EC6 (Conversion of Rural Buildings) and EC7 (Rural Employment).

31/11/0027/LB

Erection of conference events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse and temporary erection of two tents at Woodlands Castle, Ruishton

Conditions

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A1) DrNo 22912/001/100 Rev B General Arrangement;
 - (A4) DrNo 694B/01 Location Plan;
 - (A1) DrNo 694B/02B Existing Site Plan;
 - (A1) DrNo 694B/03C Proposed Site Plan including Landscaping;
 - (A1) DrNo 694B/04 Existing Lower Ground Floor Plans;
 - (A1) DrNo 694B/05 Existing Ground Floor Plans;
 - (A1) DrNo 694B/06 Existing First Floor Plans;
 - (A1) DrNo 694B/07 Existing Elevations 1/2;
 - (A1) DrNo 694B/08 Existing Elevations 2/2
 - (A1) DrNo 694B/09 Existing Sections;
 - (A1) DrNo 694B/10 Proposed Lower Ground Floor Plans;
 - (A1) DrNo 694B/11 Proposed Ground Floor Plans;
 - (A1) DrNo 694N/12 Proposed First Floor Plans;
 - (A1) DrNo 694B/13 Proposed Elevations 1/2;
 - (A1) DrNo 694B/14 Proposed Elevations 2/2;
 - (A1) DrNo 694B/15 Proposed Sections;
 - (A1) DrNo 694B/19 Proposed Temporary Marquee;
- (c) No boundary wall works to the walled garden shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (d) Before any works on the building are undertaken a precise schedule of the repairs shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved schedule including timing being strictly adhered to in the implementation of the approved work, unless any variation thereto is first agreed in writing by the Local Planning Authority;
- (e) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: glass house; glazed link; covered walkway; staircase in estate equipment store; new window to male WC's; doors; architraves; glazing to function room; platform lift; and finished treatment/s for all joinery/ timberwork.

Reasons for granting listed building consent:-

It was considered that the proposal was in accordance with Section 16 of the

Planning (Listed Buildings and Conservation Areas) Act 1990 and was in line with PPS5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy CP8 of the Taunton Deane Core Strategy in respect of proposals relating to listed buildings.

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

08/11/0018

Outline application for residential development on land to the east of Tudor Park, Maidenbrook Farm, Taunton

Reasons

- (a) The proposal will have a significant detrimental impact on the open character of the Taunton-Monkton Heathfield green wedge and would reduce the effectiveness of the area in its role in separating the settlements of Taunton and Monkton Heathfield and would represent an undesirable contribution towards the coalescence of the two settlements and is considered to be contrary to Somerset and Exmoor National Plan Policy STR1 and Taunton Deane Local Plan Policies EN13 and regulation 30 Published Core Strategy Policy CP8 furthermore it is considered that the additional 125 dwellings that could be provided as a result of these proposals is not of sufficient weight to outweigh the detrimental impact of the proposals on the above policies;
- (b) The proposed development of this open green field site, characterised by hedge enclosed farmland, would be out of character with and detrimental to the landscape character of the area contrary to the requirements of Taunton Deane Local Plan Policy EN12. Furthermore its development would have a detrimental impact on the character of the Taunton and Bridgwater Canal and approach route into Taunton contrary to the requirements of Taunton Deane Local Plan Policies EN25 and T34 and Regulation 30 Published Core Strategy Policy CP8;
- (c) Taunton Deane Local Plan Policy H9 requires the provision of affordable housing to be provided on sites of over 1ha or 10 dwellings. The current proposal does not provide for any affordable housing and is considered to be contrary to Somerset and Exmoor National Park Policy 35, Taunton Deane Local Plan Policy H9 and Planning Policy Statement 3 (paragraphs 27 – 30) and Published Core Strategy Policy CP4;
- (d) The development is expected to result in a need for an additional primary and secondary school places. The existing primary school and secondary schools have no spare capacity to cater for the additional demand and the developer is not proposing any contributions in order for those facilities to be provided. As a result the proposal is considered to be contrary to Taunton Deane Local Plan Policy C1 and Regulation 30 Published Core Strategy Policy CP7;
- (e) The proposal does not include the provision of contributions towards adequate recreation space, playing field provision or community hall requirements and does not comply with the requirements of Taunton Deane Local Plan Policy C4 and Regulation 30 and Published Core Strategy Policy SP2;
- (f) The proposal does not include the required package of off site highway work or travel plan contributions as listed in the report and as such does not comply with Taunton Deane Local Plan Policy S1, Somerset and Exmoor National Park Structure Plan Policy 49 and Core Strategy Policies SP2 and SP6.

Note - In the event that a Section 106 Agreement was submitted which provided acceptable provisions for affordable housing, highways, education, leisure and recreation, refusal reasons (c), (d), (e) and (f) would be withdrawn.

123. Erection of up to 580 residential dwellings, live-work units, retail space, other mixed use development and open space to include play areas and linear park, and associated landscaping at land off Nerrols Drive, Taunton (08/11/0024)

Reported this application.

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

- (1) 25% affordable housing to be split in accordance with the Core Strategy;
- (2) The following transport related requirements:-
 - Contributions to works to be carried out by Somerset County Council at Creech Castle Junction, Venture Way Roundabout, Priorswood Roundabout and the Wickes Roundabout. These contributions are yet to be agreed with the developer;
 - The design, construction and funding of four Right Turn Lane Access Junctions into the site, three from Nerrols Drive and one from the A3259;
 - The Protection of a route through the development from Nerrols Drive to land to the north;
 - 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 range of measures including the funding of a travel plan co-ordinator, personal travel planning, a car club and scheme for residential cycle parking;
 - Highways works in support of the travel plan including:-
 - (i) land within the development and provision of land within the extended highway width on the A3259 for a cycle and walking link to along the southern edge of the site between the Crown Medical Centre Roundabout and the existing footway/cycleway on Yallands Hill;
 - (ii) footway improvements to along the eastern side of Nerrols Drive to connect the existing footway to the Crown Medical Centre Roundabout; and
 - (iii) safe controlled pedestrian and cycle crossing points across Nerrols Drive at two locations (north and south) and two locations across the A3259 at the Crown Medical Centre Roundabout and Yallands Hill;

- 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 for a period of five years from each occupation, to aid with uptake of smarter travel choices;
 - Travel information contribution of £35,000 to assist the Somerset County Council in providing smarter travel information material and resources in co-ordination with other neighbouring developments in north Taunton and Monkton Heathfield with relevant cycle leaflets and bus timetables as part of travel information packs and towards the County Council's costs in adapting its online bus journey planner for residents;
 - A contribution of £260,000 to cycleway connectivity and signage improvements between the site and neighbouring destinations;
 - A personal travel planning and travel plan co-ordinator contribution of £250,000 to assist in the implementation of the developer's travel plan and enable co-ordination with a strategic area-travel plan for other development in north Taunton and Monkton Heathfield;
 - A car club contribution of £50,000;
 - A smarter travel management fund of £25,000 to aid with the ongoing provision of matters such as on-site cycle servicing for residents and other events/one-off promotions to assist a travel plan co-ordinator promote sustainable travel during the life of the travel plan, and should targets not be met to provide further remedies.
 - Ten fully-equipped bus stops featuring hard standing, licensed shelters and cycle parking on each side of the A3259 (1 pair) and Nerrols Drive (4 pairs) on the stops adjacent to the development site with a commuted maintenance sum; and
 - A Travel Plan Fee of £4000 to assist Somerset County Council's role in supervising the implementation of the travel plan as a one-off payment;
- (3) Education contributions which must include a site for a new primary school plus contributions for secondary school places and pre-school (based on the formula listed in the consultation response contained in the Committee report);
- (4) Country Park - Offsite commitment for green wedge land beyond the application site; and
- (5) Drainage - Maintenance of the surface water attenuation ponds,

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) Approval of the details of the layout, scale, appearance, boundary treatments and internal access of the site (hereinafter called "the reserved matters") shall

be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

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

- (A3) DrNo 21262-L-229 Figure 3 Illustrative Masterplan;
- (A3) DrNo 21262-L228 Figure 1 Site Location Plan;
- (A1) DrNo 21262-L181b Figure 2 Planning Application Site Boundary;
- (A3) DrNo 21262-L231 Figure 4 Land Use Budget;
- (A3) DrNo 29392-L09 Revised Illustrative Masterplan (November 2011);
- (A3) DrNo 29392-L07 Preliminary Highway Design Option 1;
- (A3) DrNo 29392-L08 Preliminary Highway Design Option 2;
- (A3) DrNo 29392-L88 Rev A Proposed Site Access/A3259;
- (A3) DrNo 29392-L87 Rev A Proposed Site Access/ Neighbourhood Centre;
- (A3) DrNo 29392-L85 Rev A Proposed Site Access/Southern Access, Nerrols Drive;
- (A3) DrNo 29392-L189a Junction 2 Priorswood Roundabout Mitigation;

- (d) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting (taking account of the wildlife mitigation requirements), sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;

- (e) No development shall take place on the site until there is submitted to, and approved in writing by, the Local Planning Authority, a Design Code for the site in its entirety. The Design Code shall be approved prior to the approval of any reserved matters application submitted in association with this permission.

The Design Code shall include detailed codings for:-

- Architectural and sustainable construction principles;
- Character Areas, street types and street materials;
- Block types and block principles;
- Renewable and energy efficiency measures;
- Principles of internal highways, cycle-ways and footpaths;
- Car and cycle parking principles;
- Building types, heights and materials;
- Boundary treatments and surface treatments;

- (f) Prior to the commencement of works on site, details for the parking of motor vehicles shall be submitted to, and approved in writing by, the Local Planning Authority. The approved parking shall be provided on site prior to the occupation/commencement of use of the building to which it relates and shall thereafter be maintained;
- (g) The development shall provide for covered and secure cycle storage facilities, details of which shall be indicated on the plans submitted in accordance with the condition above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (h) The development shall provide for bin storage facilities, details of which shall be indicated on the plans submitted in accordance with condition above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (i) Prior to the commencement of the development a landscape strategy and management plan shall be submitted to and approved in writing by the Local Planning Authority, The landscaping strategy shall include details of the proposed structural and internal landscaping and the proposed phasing of any landscaping works. The landscape management plan shall include a maintenance plan specifying the extent and timing of grass cutting, shrub pruning and tree maintenance. The landscape strategy shall thereafter be implemented on site in accordance with the approved strategy and a management plan unless otherwise agreed in writing by the Local Planning Authority;
- (j) Prior to the commencement of works on site, details of a Country Park to the east of the site, and as illustrated on the submitted masterplan, a timetable for its provision on site and its future management regime shall be submitted to, and approved in writing by, the Local Planning Authority. The Country Park shall thereafter be provided in accordance with the approved details unless a variation is first submitted to, approved in writing by, the Local Planning Authority. The submitted details shall be in general accordance with the design brief attached to the certificate;
- (k) Prior to the commencement of works on site, details for the multi purpose green necklace around the boundary of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall include the provision of land for outdoor recreation in addition to the buffer planting required for wildlife mitigation purposes;
- (l) Prior to the commencement of works on site, full details of the public open space and children's play areas in accordance with Taunton Deane Local Plan Policy C4 (to include one Local Equipped Area for Play (LEAP) and one Neighbourhood Equipped Area for Play (NEAP)) with details of their size, location, equipment and future management shall be submitted to, and approved in writing by, the Local Planning Authority. The public open space and play areas shall thereafter be provided and maintained in strict accordance with the approved details unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;
- (m) Before any part of the development hereby permitted is commenced a plan showing:-
 - (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed

- and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2005); and
- (ii) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site;
- (n) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
 - (o) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
 - (p) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
 - (q) 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;
 - (r) Prior to any reserved matters approval, a detailed surface water drainage strategy must be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be generally in accordance with section 4.6.2 and figure 4.1 of the approved Flood Risk Assessment (prepared by Entec UK Ltd and dated December 2010) and include details of the phasing and timing of the surface water infrastructure as well as the maintenance regime and responsibilities. The scheme shall be subsequently implemented and maintained in accordance with the approved details;
 - (s) In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance. Where remediation is necessary a remediation scheme must be prepared in accordance with the above authoritative guidance and submitted for approval in writing by the Local Planning Authority and such scheme shall be implemented prior to the occupation of any units that would be affected by the contaminated area;

- (t) Prior to the commencement of any development works on site, the applicant shall submit details of a sound reduction scheme based on the noise assessment in the Environmental Statement, Entec UK Ltd, December 2010 (Ref 21262rr113). This shall include details of the glazing and ventilation to be used to achieve the “good” standard for internal noise levels as detailed in British Standard 8233, for residential premises on the development, and the calculations and reasoning upon which any such scheme is based. The report is to be accepted in writing by the Local Planning Authority prior to commencement of development works and the accepted works carried out in accordance with the approved sound reduction scheme prior to occupation, and maintained as such thereafter, unless an alternative is first agreed in writing by the Local Planning Authority;
- (u) Prior to the commencement of works on site details of a foul 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;
- (v) No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. Drainage designs shall ensure that surface water from each plot, phase or parcel of land is attenuated to the 1 in 2 year Greenfield Runoff rate (4.55 l/s/ha) for all storm events up to and including the 1 in 100 year plus climate change event. The scheme shall subsequently be implemented and completed in strict accordance with the approved details before any built development commences on site;
- (w) No development shall take place on land to which reserved matters relate until a scheme for finished floor levels for each plot, phase or parcel of land has been submitted to, and agreed in writing by, the Local Planning Authority. The finished floor levels of the built development shall be set no lower than 150mm above the existing ground level on site;
- (x) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife and their habitats has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Entec's Environmental Statement dated December 2010 and up to date surveys 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. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes, bat

boxes and the bat house and related accesses have been fully implemented. Thereafter the bird boxes, bat boxes and the bat house and related accesses shall be permanently maintained in a useable condition;

- (y) Prior to the commencement of works on site, details of an annual monitoring scheme, to be undertaken by the applicant, for the woodland and buffer planting areas, as outlined on condition (z) below shall be submitted to, and approved in writing by, the Local planning Authority. The monitoring scheme must aim to ascertain the effectiveness of the planting to provide suitable replacement foraging habitat for the Lesser Horseshoe Bats from the Hestercombe Special Area of Conservation (SAC). Prior to the commencement of phase 2 of the development, as outlined in the design and access statement, full details of the findings of the monitoring scheme shall be submitted to the Local planning Authority. No works in association with phase 2 shall take place until it is agreed by the Local Planning Authority that the mitigation planting is functional, i.e. is providing adequate habitat mitigation for the loss of habitat for the Lesser Horseshoe Bats from the Hestercombe SAC resulting from the development. In the event that the planting does not provide adequate replacement habitat, the applicant shall submit a revised mitigation scheme designed to rectify any inadequacies that have been identified;
- (z) No development shall take place on site until a scheme for the mitigation of the impact on the Lesser Horseshoe Bat from the Hestercombe House SAC colony is submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the following:-

1. Details for the provision of a 20 m buffer of woodland around the northern and eastern boundaries of the site, which will connect with the retained tree belt on the eastern side of the Maiden Brook. This must be designed to form a continuous unlit corridor around the perimeter of the site, to provide the opportunity for light sensitive bat species (including Lesser Horseshoe Bats) to commute around the site, and to provide additional foraging habitat. The submitted details shall include a planting schedule and layout for the 20m buffer planting that must conform to that set out in the Appropriate Assessment (Somerset County Council, 2009). The agreed on-site buffer planting shall be installed no later than year one of Phase 1a of the proposed development and advanced stock (Extra Heavy Standards) will be used, with the objective of ensuring that 40% of trees reach a height of 5.5m before commencement of Phase 2 of the development.
2. Details showing the retention and incorporation of the existing hedgerows on the boundaries of the development facing open countryside into the buffer planting.
3. Details for the retention of trees, hedgerows and scrub around Nerrols Farm.
4. Details of any proposed paths and cycleways through the buffer. These must be designed no wider than 3m and to go diagonally through the buffer and will not be lit.
5. The scheme shall show that all buildings, gardens, roads and footpaths will be offset from the buffer planting and the Maiden Brook by a minimum of 5m.
6. Details for the retention of the trees and mature hedgerows surrounding Nerrols Farm and plans to ensure its connectivity to the farmland to the north of the farm buildings.
7. Details for the provision of a 20m woodland buffer between Nerrols Farm and its ancillary farm buildings and the development site as indicated on the

illustrative masterplan, in order to retain the suitability of the farm for Lesser Horseshoe Bats, both as a foraging area and a potential night roost.

8. Details for the creation of an area of 3.15 hectares for off-site woodland planting using the methodology described in the, based upon the current site boundary and habitat data provided in the baseline ecology report (Entec 2010b). The planting schedule and layout of the off-site planting will conform to that set out in the Appropriate Assessment (Somerset County Council, 2009). To minimise the time taken to achieve functionality, the off-site planting will be installed no later than year one of the proposed development.

9. Details for the preparation and implementation of a habitat management plan to ensure that the buffer planting and off-site compensatory woodland planting is managed appropriately for Lesser Horseshoe Bats. The management plan must cover management of the whole site, plus the off-site compensation areas for a period of 25 years from completion of the works and must include measures to promote the establishment of the buffer and off-site planting, such as thinning and the replacement of 'nurse crop' species (Poplar and Norway Spruce) with Oak and Ash to give a more diverse age range. It is proposed that the preparation and implementation of the management plan be secured by a planning condition.

10. Details for the provision of a purpose-built bat house to provide roosting opportunities for a variety of bat species, including Lesser Horseshoe Bats, in compensation for the loss of the barn to the west of Nerrols Farm. The bat house should be designed so that it does not induce a maternity colony to set up which might replace and undermine that of the Hestercombe House roosts.

11. Details of a lighting strategy to minimise the effects on Lesser Horseshoe Bats (and other bat species), and must incorporate the following:-

- No night-time working during the construction stage of the development;
- Street lighting that is no higher than 5m, directed away from the landscape;
- Landscape buffers and hedgerows designed to avoid light spillage and pollution;
- Lighting adjacent to features used by bats as flight corridors and foraging habitat (namely the woodland buffer strip, hedgerows, the Nerrols Farm access road and Maiden Brook) will be directed away from these features and lighting levels will be as low as legally permissible;
- Lighting will not be of the white mercury vapour or high pressure sodium types. Where possible, LED, highly directional and/or 'light on demand' forms of lighting will be used.

Once approved the development shall proceed in accordance with the timings agreed in the above scheme and shall thereafter be maintained as such unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;

- (aa) Prior to the submission of a reserved matters application for phase 2 of the development site, details showing the provision of a minimum of 660m² of employment land for Class "B1" business uses as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) on the application site, or adjacent land known as Nerrols Farm, and the timing of its provision

- shall be submitted to, and approved in writing by, the Local Planning Authority;
- (bb) Reserved matters submissions for phase 2 of the development, as defined in the design and access statement shall include a highway, footpath and cycleway links up to the boundary of the site with the land to the north and north west;
 - (cc) Prior to the submission of any reserved matters application in connection with this permission a detailed Energy Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The statement shall include details an investigation into the feasibility and viability of providing a suitably located energy centre in order to provide locally generated electricity to serve the whole allocated site;
 - (dd) 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;
 - (ee) No development hereby permitted shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
 - (ff) No work shall commence on the development hereby permitted until detailed plans and specifications of the access junctions have been submitted to, and approved in writing by, the Local Planning Authority in conjunction with the Somerset County Council. Thereafter no part of the development shall be occupied until the relevant access junction serving that part of the development has been fully constructed in accordance with the approved details and opened for use by traffic unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
 - (gg) No development shall take place on Phase 2 of the land until details of a Link Road to the land to the north/north-west and its junction with Bossington Drive have been submitted to, and agreed in writing by, the Local Planning Authority in conjunction with the County Highway Authority;
 - (hh) No development shall commence until plans showing the land to be dedicated as Public Highway on the A3259 frontage have been submitted to, and approved in writing by, the Local Planning Authority;

(Notes to applicant:- (1) Applicant was advised that in connection with Condition (i) the Local Planning Authority expect the landscape scheme to include the following :-
a) earth mounding in order to provide additional screening around the perimeter of the site; b) a minimum distance of 25m between any trees and the listed buildings; c) the planting scheme must be in keeping with the requirements of the Flood Risk Assessment (FRA) mitigation; d) footpath links throughout the site including footpath links and footbridges to the green open space adjacent to Maiden Brook;
(2) Applicant was advised that regarding Condition (k) the provision of land for allotments shall be based on the Council's Allotment Policy for 15.4m² per dwelling;
(3) Applicant was advised that the above drainage conditions have been recommended to ensure that the principles of the agreed FRA are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated FRA / masterplan which shows discharge rates, storage volumes and SuDs control measures for each catchment and the subsequent phases of development. The strategy will need to be supported by Micro-drainage calculations for all storm periods up to and including for the 1 in 100 year event plus climate change. Details of the existing and proposed surface water drainage system will

need to be provided. It must be demonstrated that all surface water features are located in Flood Zone 1 and this should be supported by site levels compared against the predicted 1 in 100 year event. The timing / phasing of surface water infrastructure is critical to ensure that all surface water is attenuated for as the development comes forward. The drainage infrastructure for each plot will need to be completed before any built development occurs on site to ensure that surface water flooding is not increased at any stage of development. Any exceedance flows, routes and depths must be mapped and addressed to ensure that the development is safe from flooding. The strategy must include details of the re-configuration of the two existing dry surface water attenuation basins on site. This must be undertaken in line with Section 4.7 of the FRA and Figure 4.1 of the FRA. Details must also be submitted to demonstrate that the capacity of the surface water drainage features are sufficient so that the attenuation features will not be exceeded. The risk of increased surface water flooding during all stages of development must be addressed. Each reserved matters application will need to demonstrate a viable drainage scheme in accordance with the approved masterplan to allow approval for any detailed layout proposals to be recommended; (4) Applicant was advised that in regard to Condition (w) a topographic survey of the existing site together with proposed floor levels that are set 150mm or more above the existing levels should be supplied; (5) Applicant was advised that any works within the channel of the Maiden Brook (i.e. the surface water outfalls from the ponds) are likely to require Flood Defence Consent from the Environment Agency. All works in or near the channel should be undertaken in accordance with our Pollution Prevention Guidance Note 5 which is available on the Agency's website. Any waste used on site or taken off site will be subject to the appropriate Licences and Exemptions required from the Environment Agency; (6) Applicant was advised that the buffer planting around Nerrols Farm, should ensure that an appropriate distance is provided between the planting and the listed building in order to protect the setting and structures of the listed complex.)

Reasons for planning permission, if granted:-

The proposal was considered as an interim proposal in order to maintain an acceptable supply of housing land. It was generally in keeping with the Regulation 30 published Core Strategy and would result in an acceptable mixed use development with acceptable highway access and good transport links to existing services in accordance with Taunton Deane Regulation 30 Core Strategy published plan Policy SS2.

Also **resolved** that in the event that the Section 106 Agreement was not signed within three months from the date of the meeting, the Growth and Development Manager be authorised to refuse planning permission or agree an extension of time within which the agreement should be signed.

(The meeting ended at 6.43 p.m.)

Planning Committee – 14 December 2011

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

Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area
Co-ordinator), Mr G Clifford (East Area Co-ordinator), 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)

124. Apologies/Substitution

Apologies: Councillors C Hill, Mrs Messenger and Wren
Substitution: Councillor Nottrodt for Councillor C Hill
Councillor Ms Webber for Councillor Wren

125. Declarations of Interest

Councillors A Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Tooze declared personal interests as an employee of the UK Hydrographic Office and also because a close family relative lived close to the application site in respect of agenda item No. 6. Councillor Mrs Allgrove also declared a personal interest in agenda item No. 6 as she was the Clerk to West Buckland Parish Council five years ago. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillors Mrs Allgrove and Bishop declared personal interests as members of the Somerset Waterways Trust. Councillor Ms Webber declared a personal interest as a Ward Councillor in respect of agenda item No. 8.

126. Applications for Planning Permission

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

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

37/11/0025

Change of use of land for use as storage for grounds maintenance equipment and materials at Taunton Deane Nursery, Stoke Road, Stoke St Mary (resubmission of 37/11/0011) (retention of works already undertaken)

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following approved plan:- A4 Location Plan;
 - (b) There shall be no storage of equipment or materials over 3m in height unless otherwise agreed in writing by the Local Planning Authority.
- (Note to applicant:- Applicant was advised that the visibility splays should be maintained at all times and it is recommended that any vegetation obscuring the splay is removed.)

Reasons for granting planning permission:-

The proposal was for a limited storage use on an existing commercial site with no new building and limited traffic movements and the proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

46/11/0013

New site access onto the A38 Link Road at Foxmoor Business Park, Haywards Lane, Chelston, Wellington

Conditions

- (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.2384.03C Site Location Plan;
 - (A1) DrNo 2384.08A Junction Details;
 - (A1) DrNo 3001 rev E Surface Water Drainage Design;
 - (A1) DrNo SPP.1657.1E Landscape Masterplan;
- (c) No development shall commence except the implementation of the landscaping scheme until full detailed plans and specifications for the left in/left out junction have been submitted to, and agreed in writing by, the Local Planning Authority. The access shall be constructed and thereafter maintained in complete accordance with those details;
- (d) No development shall commence until details of a flood compensation scheme have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be fully implemented prior to the commencement of works on the access road hereby permitted.
- (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 planting season prior to the commencement of works to form the new access, or as otherwise agreed 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 existing access from Haywards Lane shall be permanently closed to vehicular traffic, whilst maintaining a link for pedestrians and cycles only in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be closed in accordance with the approved details within one month of the new access being brought into use.

(Notes to applicant:- (1) Applicant was advised that where major works are to be undertaken on or adjoining the publicly maintainable highway an agreement under Section 278 must be entered into with the County Highway Authority; (2) Applicant was advised that the details required by Condition (c) shall be generally in accordance with Drawing 2384.08A.)

Reasons for granting planning permission:-

The proposal would create a new access to an existing business park, which would not cause harm to highway safety and would not have an unacceptable impact on the visual amenities of the area. It would improve the economic development potential of the business park and its resident businesses in terms of its visibility and access to the strategic road network, in particular the M5 Motorway. It would also improve the living conditions of a number of residents on Haywards Lane by removing a significant amount of traffic from the existing access routes which were narrow and poorly aligned. Such matters were considered to outweigh the conflict with the development plan, which sought to restrict new development in the open countryside and prevent new accesses onto County Routes, and was in accordance with Policy S1 (General Requirements) of the Taunton Deane Local Plan.

48/11/0039

Erection of agricultural cubicle building at Quantock Farm, West Monkton

Conditions

- (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 plan:-
(A1) Unreferenced Plans (drawn by C A Gribble, dated 12/9/2011);
- (c) (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;
- (d) An earth mound shall be constructed and maintained in the location shown on the submitted plan to a height of not less than 2m in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and shall be provided within three months of the commencement of any part of the development.

Reasons for granting planning permission:-

The proposed development was considered to be acceptable, would not harm visual nor residential amenity or have any detrimental impact on the listed building. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and PPS5. In terms of the use of the building and traffic generation, the residents' concerns were noted, however the proposal was for recognised agricultural purposes in a rural area and as such was in accordance with PPS4 and PPS7.

127. Failure to comply with a Tree Replacement Notice at Beauford Park, Norton Fitzwarren

Reported that the site at Beauford Park, Norton Fitzwarren was subject to the provisions of a Tree Preservation Order (TPO) TD726 (Norton Fitzwarren No.2, 1997) dated 26 February 1997.

It had come to the Council's attention as long ago as 2006 that Wood 1 (W1) referred to in the TPO was no longer in existence.

The northern section of W1 was owned by J and B Small Park Homes, whilst the southern section was jointly owned by developers, BDW Trading Limited, Bellway Homes Limited and Strongvox Limited. This southern section was included in a current development proposal and was due to be re-planted by the developers in line with approved landscape drawings.

Under Section 206(1) of the Town and Country Planning Act 1990 a land-owner was under a duty to replace trees in woodlands that were removed, uprooted or destroyed in contravention of a Tree Preservation Order.

Following various unsuccessful approaches to the owners of the land comprising the northern section of the woodland at Beauford Park requesting the replacement of the felled trees, the Council had finally issued a Tree Replacement Notice in October 2009 with compliance by 26 February 2010.

Unfortunately, the requirements of the Notice had not been complied with.

Section 209 of the Town and Country Planning Act 1990, provided the Council with the power to enter the land, plant the trees and recover from the land owner any expenses reasonably incurred by the Council in respect of planting the trees required. This course of action was now recommended to the Committee.

Although the Tree Replacement Notice required 120 trees to be planted, due to various factors such as the poor ground conditions (caused by the dumping of hardcore, concrete and other materials), the presence of the electricity substation, the underground cables and the proximity of adjacent homes, the proposal was for the Council to plant just 30-35 trees and shrubs at an estimated cost of approximately £600.

Noted that the plants would be a mixture of native trees and shrubs, such as birch, willow (goat or grey), alder, field maple, hazel, dogwood, hawthorn and blackthorn, planted as bare-root whips and feathered trees.

Members requested that small trees, rather than bare root whips, should be planted on the land concerned.

Resolved that the proposed replacement tree works to be carried out by Deane DLO on land at Beauford Park, Norton Fitzwarren be agreed, with the expense incurred being recovered from the owners of the land, J and B Small Park Homes.

(The meeting ended at 6.15 p.m.)

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

44/11/0020

D J HILL & PARTNERS

CHANGE OF USE OF LAND AND CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS TO FORM A DOG BREEDING ENTERPRISE WITH ANCILLARY RESIDENTIAL SPACE AT BEACON LANE FARM, WELLINGTON (AMENDED SCHEME TO 44/11/0011)

Grid Reference: 314067.117625

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development will bring this group of former agricultural buildings back into an economic use within a rural location, which is supported by local plan policies and therefore the proposed dog breeding centre with ancillary residential accommodation is considered to be an appropriate re-use for the historic buildings at Beacon Lane Farm. The proposals will not harm visual or residential amenity and it is considered that any nuisance arising from proposed use will be appropriately contained within the enclosed kennel buildings whilst the character and appearance of the surrounding landscape and Area of Outstanding Natural Beauty will be maintained. The proposed development is therefore considered to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EC6 (Conversion of Rural Buildings), EN10 Areas of Outstanding natural Beauty, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained within Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), 4 (Delivering Sustainable Economic Growth), 5 (Planning for the Historic Environment) and 7 (Sustainable Development in Rural Areas).

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:

(A3) DrNo 201/G3 Elevations as Proposed Sheet 2
(A3) DrNo 201/G2A Elevations as Proposed Sheet 1
(A3) DrNo 201/G4A Courtyard Elevations as Proposed

- (A3) DrNo 201/G1B Floor Plans as Proposed
- (A3) DrNo 201/S3 Elevations as Existing
- (A3) DrNo 201/S2 Elevations as Existing sheet 1
- (A3) DrNo 201/S1 Ground Floor Plans as Existing
- (A3) DrNo 201/L3 Highways Plans
- (A3) DrNo 201/L1B Site Layout and Location Plans
- (A4) Block Plan
- (A4) Site Location Plan DrNo 201/L2
- (A4) DrNo 201/SK2 Sketch Hedge Sections

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.

Reason: To protect the character and appearance of the existing building and the contribution that it makes to the surrounding area in accordance with Policies S1 and S2 of the Taunton Deane Local Plan.

4. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of the building, in accordance with policies S1 and S2 of the Taunton Deane Local Plan.

5. The velux rooflights hereby permitted shall be flush fitting and of a conservation style only.

Reason: In the interests of the character and appearance of the building, in accordance with policies S1 and S2 of the Taunton Deane Local Plan.

6. The residential floor space hereby permitted shall not be occupied until the associated business floor space to be used for the dog breeding centre has first been brought into use.

Reason: To ensure that the principle use of the site as a dog breeding centre is commenced prior or simultaneously to the residential unit so as to prevent the creation of an independent residential development in open countryside contrary to policies H7 of the Taunton Deane Local Plan and guidance contained within PPS1, PPS3 and PPS7.

7. The occupation of the residential floor space identified as Range A on drawing 201/G1B shall be limited to a person solely or mainly working within the

buildings identified as Range B and Range C on drawing 201/G1B at Beacon Lane Farm and to any resident dependants.

Reason: The site lies in area where new residential development is generally restricted to that for which there is a proven functional need. As a bespoke use the Local Planning Authority wish to ensure that the occupation of the residential floor space at Beacon Lane Farm continues to be occupied in conjunction with the business use at the site in accordance with Taunton Deane Local Plan policies H7 and EC6 and guidance contained within PPS1, PPS3 and PPS7.

8. (i) Prior to its implementation, 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.

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

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

10. No part of the development hereby permitted shall be brought into use 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 and gates to be erected. The agreed boundary treatment shall be completed before any of the buildings are first occupied and thereafter be maintained as such.

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

11. The section of hedge to be translocated adjacent to Foxmoor Road shall be carried out in accordance with details on plan 201/SK2 and the Hedgerow Translocation Method Statement dated 19 December 2011. Following implementation of this permission the hedge shall be moved within the first available planting season and once moved the maintenance of this hedge and infilling with appropriate planting shall be carried out and maintained for a period of 5 years in accordance with the approved plans and method statement.

Reason: In order to maintain the character of the roadside hedge in the area in accordance with policy S2 of the Taunton Deane Local Plan.

12. 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 David F Wills' submitted report, dated December 2010 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 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 nesting birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat enhancements and owl box and related accesses have been fully implemented

Reason: To protect birds and bats and their habitats from damage bearing in mind that the law protects these species.

13. 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), the building shall not be extended or any addition made to it in any way (including dormer window) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout and the character and appearance of the original building. Such would conflict with Taunton Deane Local Plan Policies S1, S2, and H17.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no building, structure, enclosure, gate, fence wall or other means of enclosure shall be erected, constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: In the interests of preserving the visual amenity and landscape character of the area in accordance with Local Plan Policies S1, S2, EN10 and EN12.

15. There shall be no obstruction to visibility greater in height than 900mm above the adjoining road level forward of a line drawn 2.4 metres back of the carriageway edge on the centreline of the access and extending to a point on the nearside carriageway edge 120 metres to the East. Said visibility shall be fully provided prior to the use of any building hereby permitted first commencing.

Reason: To preserve sight lines at a junction and 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.

Notes for compliance

1. 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.
2. If the translocation of the hedge adjacent to Foxmoor Road is not undertaken prior to March 2012 then you are advised of the need to satisfy yourself, through additional protected species survey work, that no species protected under UK or European Law are present within the hedgerow. If any protected species are subsequently found to be present within the affected hedgerow then you are advised to contact Natural England for further advice.
3. New water supply connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page at www.wessexwater.co.uk/developerservices. As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

4. The Environment Agency should be consulted about a licence for the installation of the sewage treatment plant.
5. Changes to the surface of Public Right of Way WG13/23 will be made as a result of the proposed development. Authorisation for these works must be obtained from SCC Rights of Way Group. Further details can be obtained from Ester Harbour on (01823 357791).

If the work involved in carrying out this proposed development would - make a PROW less convenient for continued public use (or) - create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086.

PROPOSAL

The application seeks planning permission for the conversion of three redundant agricultural barns to a live work unit that will comprise a dog breeding enterprise with ancillary residential accommodation at Beacon Lane Farm. Range A will be converted to a residential property of 103 sq metre floor space providing kitchen, dining and living space at ground floor level and two bedrooms with ensuite facilities above. Range's B and C will be converted to dog breeding kennels covering 132 sq metres of floor space. Range B of dog breeding element will provide for 4 individual kennels, a communal kennel, an entrance lobby, food storage and preparation area, with office and a bedding store above; Range C will have 6 whelping kennels, a WC and dog wash room. The conversion proposes to form one new doorway opening to the north elevation and one window to the east elevation of range A; all other openings will be utilised in the conversion scheme. The development will make use of natural roofing slates, timber fenestration, stone boundary treatments and reclaimed stone to repair walls where necessary. The paddock to the east of range C is to be planted out with trees to form an orchard and this area would remain outside the residential curtilage.

Externally, the buildings will be repaired using materials that are said to respect the character of the barns; new reclaimed Welsh slate roofs would be constructed over all three buildings and any repair work to the walls would use natural chert stone and lime mortar to the pointing. All fenestration would be of an oiled hardwood (Oak) frame and double glazed where necessary; in addition the new barge boards and fascias would be of timber; the log burning stove will be served by a matt black metal flue; all new rooflights would be of a traditional conservation pattern with metal frames. Foul sewage would be disposed of via a sewage treatment plant located within the northern section of the proposed orchard and all surface water would be drained to a near by pond.

The site will be accessed via the private stone track off the unclassified highway to the north. The proposed development incorporates a scheme to translocate a 36 metre section of hedgerow to the east backwards in order to provide a visibility splay of 2.4m x 120m; a method statement and indicative plan have been submitted with regard to the hedgerow translocation together with an updated wildlife survey. Two passing bays are to be provided along the access track 70m and 240m from the existing access.

An Ecological Survey report accompanies the application, with on site survey work having been carried out on December 9th 2010. The survey report concludes that no bats were found within the barns and only limited evidence of use by nesting birds was found in the form of two nests. The report concludes that the scheme should provide for ecological enhancement opportunities for bats and birds within the development.

The application is supported by confidential financial information regarding the dog breeding business accounts together with a supporting letter from the business accountant (Francis Clark Chartered Accountants) confirming that the business is profitable and can be so maintained in the long term. A copy of the legal 'option' document is also provided. In addition, a noise survey has been submitted showing the responses from homeowners living within a 400 metre radius of the business' current location at Brimstone Barn, Pleamore Cross; this concludes that only 1 of 11 residents had heard noise from the outdoor kennels and that this was not considered to be loud or causing an unacceptable nuisance.

The dog breeding business, known as Coate Breeding, is well established and has maintained a healthy profit over the past two financial years. The business has a license to keep breeding dogs until 3 August 2012 at which point the license will require renewing. Outside kennels are currently provided at the property known as Brimstone Barn at Pleamore Cross, however this is unauthorised and enforcement proceedings are currently underway. The business proprietor currently has 18 breeding bitches - Cocker Spaniel and Miniature Poodles - and the proposed development will provide a permanent base for the business and aid in its expansion to approximately 26 breeding bitches over time. The business is marketed towards the pet and show home owners and is advertised predominantly online (85%) with some return/recommended customers (15%). The business employs one full time employee and one part time member of staff; increasing the business holds potential to increase employee numbers by 1 FTE.

SITE DESCRIPTION AND HISTORY

Beacon Lane Farm is an isolated site approximately 3km (straight line distance) from the town centre of Wellington to the north. The site is accessed via a man made ungraded single lane stone track that derives access onto/off the unclassified highway network approximately 560 metres to the north. The access track also forms a Public Right of Way (WG 13/23), which follows the line of the track from the highway through a small wooded area to the complex of barns, which occupy an elevated position within the local landscape. Being set within a remote rural area within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) the site is surrounded by a collection of mature trees and native species hedgerows to the north, south and west; to the east there are clear views available out across the surrounding landscape looking out towards the raised ridge of the Blackdown Hills.

The application site comprises a complex of three traditional agricultural buildings arranged in a u-shape plan form with a cobbled access from the north. The buildings are constructed from chert stone walls with timber roof structures; the main threshing barn (range A) has historically had a natural slate roof although this is now largely dilapidated and many slates removed (either the result of natural forces or theft). The two smaller sections of the complex comprise a former Linhay and stables to the west (range B) and a shelter shed to the east (range C). Both range B & C have

corrugated metal sheet roofs over a traditional timber roof structure. Upon visiting the site it was apparent that significant site clearance had been undertaken to remove areas of undergrowth that had previously been observed to cover much of the site. To the north of the barn complex is a concrete base which is thought to have once been the site of a farmhouse.

With regard to planning history, there are three relevant planning applications that have directly involved the complex of agricultural buildings subject of this latest application.

- 44/88/0017 proposed the conversion of the agricultural barns to a dwelling house with link extension. Planning permission was refused planning permission by notice dated 17 January 1989 for two reasons - the change in character to the area by introducing a residential use and curtilage that would alter the character of the buildings and their surroundings within the remote location to the detriment of the character of the area and the detrimental impact upon the (then) Special Landscape Area through visual intrusion and additional traffic movements.
- 44/09/0014 granted planning permission by notice dated 8 December 2009. This development involved the demolition of the agricultural buildings subject of this current application and the erection of a new modern agricultural building in their place. At the time the development was considered not to harm the landscape character of the AONB. The loss of the barns was not well supported by the public and it was accepted that the barns made a positive contribution to the remote rural location locally, however at that time conservation advice indicated that the barns were not worthy of listing and would require quite substantial rebuilding and works to be brought back into use.
- 44/11/0011 refused planning permission by notice dated September 2011 for the conversion of the redundant barns to a 'live/work' unit. Planning permission was refused for three reasons - highway safety, that the development would be tantamount to a new residential development in open countryside and the impact of the development upon the character and appearance of the AONB.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON WITHOUT PARISH COUNCIL - Object to the proposals based upon residents concerns together with those raised by consultees. The noise issue is also of concern.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed details are acceptable and alleviate previous objections. No objection subject to conditions.

SCC - RIGHTS OF WAY - No objection received. Standard advice regarding the development and adjacent rights of way provided.

BIODIVERSITY - Previous comments apply - no objection & support report recommendations. The hedgerow along Foxmoor Rd should be surveyed.

Subsequent survey received. No objection to proposals.

LANDSCAPE - Proposals to convert barns acceptable subject to landscape details. Concern with proposed hedgerow translocation which is an important hedgerow. Method statement requested.

Proposed hedgerow translocation method statement and plan are acceptable.

HERITAGE - Proposals will have a lower impact than previous live/work scheme. Support proposals given the necessity to bring barns back to a beneficial use. Request conditions.

BLACKDOWN HILLS AONB SERVICE - Raise concern over the impact of a dog breeding enterprise upon the tranquility of the AONB; Impact upon local character from commercial & residential use that will erode the rustic agricultural character of the site; this in an unsustainable location for business or residential use; the residential use still forms a significant element of the scheme.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - No comments received.

Representations

2 letters of support for the proposed development stating that Beacon Lane Farm would be the perfect place for dog breeding due to its isolated spot, with no neighbours and being good to reuse the buildings.

1 letter welcoming the reuse of the buildings but concerned that dogs may disturb wildlife.

5 letters of objection raising the following planning related issues:

- Inappropriate for footpath to run through the development;
- Noise from dogs will carry and be anti-social;
- No objection to a dwelling but have reservations over dog breeding centre alongside a very busy public footpath;
- Disturbance to kennelled dogs would cause frequent bouts of noise;
- Would be a shame for the peace and quiet of the area to be disrupted for walkers;
- This part of the valley traps and echoes noise making it carry;
- Under the Noise Strategy - England 2009 - consideration in planning and development should be given to preserving noise quality of rural quiet area;
- Proposals would cause noise disturbance to local people and visitors;
- Because of the natural bowl formation of these hills, noise naturally echoes around - one or two dogs barking on the footpath is heard over a wide area; thirty dogs in enclosures being disturbed by walkers would bark uncontrollably;
- Wildlife would disturb dogs at night causing them to bark;
- Proposal could have a detrimental impact upon visitors to the Monument whether travelling by car or on foot;
- Planning Officers might not be aware of abatement notice served on a relevant party at Pleamore Cross;
- The permanent presence of a kennel supervisor is not guaranteed and if it were such a person cannot control inevitable noise nuisance which would be five times grater than at Pleamore Cross
- 27 Dogs will shatter the peace of the only direct walk to Wellington Monument which is popular with visitors;

- Barking dogs will disturb sensitive wildlife in the area;
- Noise pollution will detract from peoples quiet enjoyment of this environmentally sensitive area;
- Natural shape of the land and prevailing wind will send high levels of penetrating sound into the wider valley disturbing neighbouring properties

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 EC6 - TDBCLP - Conversion of Rural Buildings,
 H7 - TDBCLP - Conversion of Rural Buildings,
 EN12 - TDBCLP - Landscape Character Areas,
 EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
 EN3 - TDBCLP - Local Wildlife and Geological Interests,
 M1 - TDBCLP - Non-residential Developments,
 S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,
 S&ENPP9 - S&ENP - The Built Historic Environment,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 PPS1 - Delivering Sustainable Development,
 PPS3 - Housing,
 PPS4 - Planning for Sustainable Economic Growth,
 PPS 5 - PPS5 Planning for the Historic Environment,
 PPS7 - Sustainable Development in Rural Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues that require consideration in determining the proposed development are considered to be:

- the policy principle of a dog breeding centre with ancillary accommodation at the site;
- the impact upon the built historic environment; and
- the impact of the proposed development upon the landscape character and visual amenity of the Blackdown Hills AONB.

Development Principle

PPS4 and PPS7 are generally supportive of the conversion of rural buildings to some form of employment generating and economic re-use where appropriately located. Policy EC6 of the LP sets out a number of criteria that must be met in order for a development to be considered acceptable. The proposed dog breeding business will account for 132 square metres of the floor space being created whilst the adjoining residential element will have a floor area of 103 square metres. The business element of the amended scheme has been increased significantly from the 46 square metres previously sought as part of a live work unit under planning application 44/11/0011. The amended scheme now provides for more business floor space than residential accommodation and provides for an end user which enables a better understanding of how the unit will function.

It is accepted that the proposed business use at the site generally accords with LP policy EC6 with the exception of being sited close to a public highway. However, the proposed use is not thought to attract a significant number of vehicle trips to and

from the site, particularly given that the main full time employee is likely to be resident on site. Most visits will be from potential purchasers having viewed information on the internet and from domestic service vehicles. As part of a dog breeding businesses license, it is required of the licensee to ensure that a responsible person is at or within a 'reasonable' distance of the premises in order to act in the event of fire or other emergency.

It could be argued that the proposed residential element is tantamount to a new dwelling in open countryside and therefore contrary to guidance contained within Planning Policy Statements 1, 3 and 7; indeed such was a reason for refusing the previous planning application. Notwithstanding this matter, an end user has now been found and in this context it seems reasonable to me that a person should be required to be on site at most times for a dog breeding enterprise if not for sound animal welfare reasons alone. This matter is considered to add weight to the need for residential accommodation at the site in order to support the business element; the degree of residential floor space proposed is now less than that of the business unit and in this case can be argued as being ancillary to the dog breeding element.

It seems to me that dog breeding businesses are unlikely to be provided within densely populated urban areas due to potential disturbances to neighbouring properties and most similar uses such as kennels and cattery's are generally found within rural locations. The existing business is located at Pleamore Cross and surrounded by a small group of residential properties. Whilst an informal noise assessment has been provided by the agent to demonstrate that residents at Pleamore Cross are not unduly affected by the outdoor kenneling of breeding dogs this unauthorised development has an ongoing Enforcement case together with prosecution proceedings against the proprietor who is in need of finding an alternative site for the business. The conversion of the barns at Beacon Lane Farm will provide an appropriate 'in principle' location for the business to find a permanent base in order to continue operating as a financially successful enterprise.

I note that a number of objections, together with some support, has arisen through the public consultation process. The primary concern raised is that of noise disturbance within the AONB along the footpaths in the area and to nearby locations where it is perceived that noise from barking dogs will carry to along the valley. It is important to note that the proposed dog breeding kennels will be housed entirely indoors. I acknowledge that dogs generally behave in a pack like mentality and that one barking dog may set off others; however the dogs at the site will be housed indoors and will be physically separated from walkers, their dogs and any other wildlife in the area and due to the arrangement of buildings and separation by boundary walls and the like it is unlikely that walkers or wildlife will disturb the dogs within the kennel buildings. The building will be double glazed and any noise arising from the use will likely be contained well within the buildings. Any form of exercise that may be undertaken by the proprietor is likely to be done in a similar manner to any other member of the public who can walk their dog along footpaths in the area, and any one person such as a professional dog walker can often walk up to six dogs at a time.

The previous application was for a live work unit for any form of B1 or B2 use; this attracted a great deal of support - 26 letters together with the Parish Council - however there seemed little concern as to noise that would be produced from any industrial or business use at the site, which would likely be greater than that of a dog breeding enterprise, especially when factoring in a significant degree of vehicle

movements that would have been involved. The previous application clearly shows that there is a local desire to see these buildings brought back into re-use and such was also a common theme that was echoed by the Council's Planning Committee. Given that the kennels will be housed indoors I am of the opinion that any noise arising from the breeding dogs will be well contained within the buildings and that disturbance of dogs from people or animals within the vicinity will not be so great as to warrant refusal of planning permission.

Heritage impact and landscape character

The complex of disused barns at Beacon Lane Farm are considered by the Council's Conservation Officer to be a heritage asset in accordance with guidance contained within PPS5 and given their poor condition an alternative use should be found. The buildings are thought to date to around the 17th century and whilst a date stone inscribed with 1641 is present within one archway to range B the buildings have undergone numerous alterations in their time; as a result of the brick arch detailing to the openings of range B it is thought that the date stone may have originated from elsewhere and not the barns themselves. Nonetheless, at present the buildings are structurally sound although their general external appearance and condition is poor, with large amounts of slate roof missing, broken timbers, collapsed sections of walls and various cracks and separations within the walls.

Despite objections there remains a degree of public support for finding an alternative use of these buildings in order to preserve their contribution to the local area. I am also mindful of the support for their retention under the previously refused scheme. The proposed conversion scheme will have a relatively low impact upon the buildings themselves as acknowledged by the Council's Conservation Officer; I am of the opinion that the proposed works will not significantly alter the character or appearance of the buildings and the use of local natural materials, together with maintaining the built form in a relatively unchanged manner with only two new openings will further preserve this complex of buildings.

Objection has been raised as to the impact of the proposed development upon the quiet enjoyment of the AONB and people using the public footpaths in the area in accessing Wellington Monument. Matters regarding noise have been considered above and therefore this section will focus on the impact of the change of use and conversion works upon landscape character of the area.

The site currently has a rustic, natural appearance to it as noted by the AONB Officer and whilst the buildings may be preserved it is likely that there will be a change in the general appearance of the site arising through the business and residential use of the buildings. There was concern at the change in appearance of the site within the AONB under the previous scheme, however this particularly revolved around the potential for a high number of vehicle trips to and from the site which would have impacted upon the area significantly. Vehicle trips are likely to be significantly reduced as a dog breeding centre and this is thought to limit the impact of the proposed use upon the wider context of the AONB. It is also noted that the residential curtilage of the site is limited to the building complex, cobbled yard and area to the north within stone walls. All materials will be in keeping and can be conditioned in order to ensure features such as entrance gates are of an appropriate design and materials. Further, in order to reduce the impact of the development on the character and appearance of the AONB, permitted development rights should be removed to prevent the erection of buildings within the site.

Whilst it is acknowledged that there will be a change in appearance of the site within the AONB, which will be visible from public vantage points along adjacent footpaths, the overall benefit of bringing the buildings back into a sound economic use is also attributed significant weight so as to preserve the long term contribution made by the buildings in general to the local area.

Other matters

Having regard to the impact of the development upon the safety of highway users - both vehicular and pedestrian - the amended scheme, which provides for a new visibility splay of 120 metres to the east, has overcome the highway officer concerns and objection to the original proposal under LPA reference 44/11/0011. The new visibility splay will ensure that vehicles can see and be seen when entering/exiting Beacon Lane off/onto Foxmoor Road. This will require a 36 metre length of hedgerow to be translocated however I am satisfied, in accordance with the Landscape Officers advice, that this can be achieved without causing the hedgerow to be lost. In addition to the visibility splay two new passing places will alleviate pressure to any vehicles meeting along the long single lane track whilst not affecting the safety of pedestrians. The application states that with the exception of the entrance, which will be finished with tarmac, the surface along Beacon Lane will not be affected. Notwithstanding this matter the resurfacing of the entrance will require the permission of the County Council Rights of Way Team before being undertaken and therefore formal advice will be provided in an advisory note as previous.

The buildings are not home to any protected species as identified within the submitted ecological survey report however there is potential to improve the site and the buildings in terms of wildlife protection and 'accommodation'; it is therefore proposed to include a condition to any approval for a mitigation strategy to be provided and it is accepted that at present, the buildings are structurally capable of being converted without the need for significant alteration or any rebuilding as per the submitted report. However it is proposed to remove permitted development rights for extensions and other alterations to the buildings in order to protect their original form, character and appearance and it is also questionable whether the buildings can be extended within the curtilage without any detrimental impact arising to amenity in the area. Sufficient parking and turning will be available within the site and cobbled yard in order to reduce the visual impact of domestic vehicles and ensure vehicles are retained within the site.

Conclusions

In transport terms the site at Beacon Lane Farm is within an unsustainable location where new residential development is normally restricted by the LPA. However, the proposed development is for a new dog breeding centre to support an existing and financially sound business in need of new premises and it includes an ancillary residential unit that will be occupied by a person responsible for the animal welfare and safety at the site as per the breeding license requirements. The conversion of the redundant buildings to a dog breeding centre (a business use in a rural location) is considered to comply with LP policy EC6; the buildings are worthy of retention as noted by the councils Conservation Officer, capable of conversion without significant rebuild or extension; the proposed use will enhance nature conservation and heritage interests at the site and not significantly harm the landscape character of

the area to a degree that warrants refusal.

In addition to the economic argument, the proposed scheme will provide for a long term use of the buildings at Beacon Lane Farm to the benefit of the built heritage of the local area for which there has previously been a significant degree of support from the public and which was also seen in a favourable light previously by the councils Planning Committee. As an exception to planning policy, it is accepted that a degree of ancillary residential accommodation at the site is necessary for an individual use such as that proposed. As a one off development/use, the proposals are considered acceptable and generally in accordance with planning policies. Given that this application is supported as a one off case where it has been demonstrated that residential accommodation is required in an unsustainable location in order to support a business within converted rural buildings, a suitably worded condition should be attached to the approval restricting the occupation of the residential floor space to a person solely or mainly employed at Beacon Lane Farm.

The proposed development will assist in diversifying the rural economy and bring back into use redundant agricultural buildings for alternative economic activity, which is generally supported by planning policy. This, together with the perceived benefits to the built heritage at the site is considered to outweigh the unsustainable location of the site in this individual instance and therefore, for the reasons outlined above, it is recommended that planning permission be granted subject to conditions.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

THE MOUNT VETERINARY HOSPITAL

RELOCATION OF THE MOUNT VETERINARY HOSPITAL TO INCLUDE THE ERECTION OF A TWO STOREY BUILDING WITH LARGE ANIMAL PROCEDURE ROOM, CREATION OF NEW VEHICLE ACCESS, PADDOCK AND ASSOCIATED CAR PARKING WITH DIVERSION OF FOOTPATH AT LAND TO THE SOUTH OF TAUNTON ROAD, WELLINGTON

Grid Reference: 314866.121327

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to the detailed views of the Highway Authority regarding the revised junction arrangements and travel plan:

Recommended Decision: Conditional Approval

The proposed development would allow an existing business and significant employer in Wellington to relocate to premises that allowed the business to continue to develop further. As such, there are significant economic benefits to the town in allowing the proposal to proceed, and this is considered to outweigh the impact on the proposed green wedge and landscape approach to Wellington. The impact upon highway safety, ecology and neighbouring residents is considered to be acceptable and accordingly, the proposal is considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design) and EN3 (Local wildlife and geological sites) of the Taunton Deane Local Plan; Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review; and advice contained in Planning Policy Statement 9 (Biodiversity and Ecological Conservation).

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:

(A1) DrNo SPP.1583.6 Vegetation Appraisal
(A1) DrNo R10036-SX Topographical Survey

(A1) DrNo SPP.1583.5D Landscape Masterplan
(A1) DrNo 2233/FP05 Site Plan
(A1) DrNo 2233/FP 03C Elevations
(A1) DrNo 2233/FP 02 C Ground and First Floor Plans
(A4) DrNo FMW0479/GA01 rev D Preliminary site access arrangement

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

3. Prior to any other development occurring on site, the new junction detailed on drawing FMW0497/GA01 rev D shall be fully implemented in accordance with the details hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a safe access is provided to the site, in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

4. Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the building hereby permitted coming into use and shall thereafter be maintained as such.

Reason: To ensure that surface water is satisfactorily disposed of in the interests of preventing flood risk, in accordance with Planning Policy Statement 25.

5. 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 Ambios Ecology's submitted report, dated September 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 in accordance with Policy EN3 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 9.

6. (i) The landscaping/planting scheme shown on drawing SPP.1383.5D 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.

7. The travel plan submitted with the application shall be implemented upon first occupation of the hospital hereby permitted and shall thereafter be implemented in accordance with the travel plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote travel to the site by means other than the private car, in accordance with Policy S1 of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

This application seeks full planning permission for a new veterinary hospital. The hospital is intended to cater for all veterinary needs from small domestic pets to large animals and, as such, incorporates a large treatment room and paddock area for keeping animals overnight as well as examining their behaviour in the field.

The accommodation would be arranged over two floors, with the main treatment and public areas at ground floor and staff quarters at first floor. A parking area would be provided to the front for staff and public, with a new access formed to Taunton Road to the east of the building. Taunton Road would be slightly widened to accommodate a new right turn and the boundary hedgerow would have to be removed and replanted back behind new visibility splays. A public footpath crossing the site would be realigned to follow the western site boundary.

SITE DESCRIPTION AND HISTORY

The site comprises part of a broadly triangular agricultural field. It adjoins the existing Cades Farm residential development, now known as Bramley Close, to the west, beyond a boundary hedge. The field generally slopes down to the east, with a high point in the centre, approximately at the eastern extent of the application site and, therefore, the access point.

The northern boundary with Taunton Road is formed by a mature hedge, partly covering a post and wire fence. To the Southwest, a hedge and field boundary (beyond the actual application site) separates the site from surrounding agricultural fields which now benefit from a resolution to grant planning permission for further residential development as a second phase to the Cades Farm development. A public footpath runs from Bramley Close on the western site boundary diagonally across the site to Taunton Road.

There is no planning history relating to this site, although it has been identified as part of the new green wedge for East Wellington in the published Core Strategy.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – Final comments awaited. To date, the Highway Authority have confirmed that they do not have any objection in principle to the development and that it is technically possible to provide a safe access at this point. Following comments from the safety audit team, it has been requested that various alterations are made to the junction and proposed right turn lane in Taunton Road.

The applicant's highway consultant has responded to this by making various changes to the proposed junction, in line with SCC's recommendations.

WELLINGTON TOWN COUNCIL – Recommended that permission be refused as the proposal would be an inappropriate development in an area identified as Green Wedge in the emerging TDBC Core Strategy. It was felt that there were other equally suitable locations elsewhere in the near vicinity.

LANDSCAPE – My main concerns are:

- Loss of roadside hedgerow;
- Landscape impact along an important route into Wellington;
- The proposals are within the proposed Green Wedge for eastern Wellington;
- The proposed landscape mitigation does not fully address the above issues.

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which crosses the area of the proposed development at the present time (footpath no. WG 14/5). I have attached a plan showing this footpath for your information.

The County Council do not object to the proposal subject to the developer being informed that the grant of planning permission does not entitle developers to obstruct a public right of way.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary Diversion Order has

come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The diversion of the route will be carried out by Taunton Deane Borough Council under the Town and Country Planning Act.

In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086.

WESSEX WATER – No comments received.

BIODIVERSITY – The proposal includes the removal of 120m of hedgerow running along the site's northern boundary. Survey's have concluded that the hedgerows are likely to contain dormice and an EPS licence will be required for the removal of the hedge.

I am concerned about the general amount of hedgerow removal planned in this area of Wellington. In this instance, the removal of the roadside hedge would not cause a major loss of continuity to the hedgerow network but will impact on individual dormice. Query whether other ways of accessing the site to avoid the hedgerow removal have been explored.

A full detailed method statement and an assessment on proposed site lighting should be submitted at this stage to determine the application.

The surveyor noted that the trees on site were classed as Category 3 trees – being trees of negligible potential to support bats. No assessment was made of the impact of the removal of 120m of hedgerow on bats. No badger setts were noted on site, no water features were on site, although several ponds (possibly containing Great Crested Newts are located in the area).

NATURAL ENGLAND – On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of dormice and therefore avoid affecting favourable conservation status.

It is for the Local Planning Authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications.

ENVIRONMENT AGENCY – No comments received.

STRATEGY AND COMMUNICATIONS – There are strong planning policy objections to this location which is less sustainable than their existing site alongside Lancer Court, Wellington. The access proposed would also result in the loss of a substantial length of existing hedgerow due to the convex alignment of Taunton Road, which would have an adverse landscape impact on this important rural approach to Wellington, open up views into this Greenfield site and set a precedent for further development on the remaining 4.2 hectares of the land. There would be a need for wildlife surveys because of the possibility of dormice in the hedgerow. At pre-application stage we advised that they should explore other sites, such as Rowe's nursery at Rockwell Green or if they want a rural location for large animals to explore barns suitable for conversion.

The Core Strategy was submitted to the Secretary of State on 14th November. It designates this land as part of the green wedge separating the proposed residential allocations at Cades/Jurston from the existing employment sites to the east at Chelston. The proposed development is contrary to green wedge policy. To permit development here would set a precedent for development elsewhere within the green wedge. The Taunton Deane Green Infrastructure Strategy (2009) identified that the eastern part of Wellington is currently deficient in accessible green space and suggested that a new green space be created to serve communities on this side of the town.

ECONOMIC DEVELOPMENT – It is important that the community of Wellington is able to accommodate essential rural service providers. This is one such provider – offering veterinary services to most types of animals, but notably equine and large farm animals. The hospital is a long established business in the town with a strong reputation for a high quality service, employing 32 professional and administrative staff. It's plans for growth are ambitious, reflecting its expanding customer base, and it aims to become a high quality establishment of regional significance and reputation over the foreseeable future.

The business' requirement to treat large animals, coupled to its ambitious growth programme, mean that a town centre site is completely unfeasible. The business has carried out an extensive survey of sites in the vicinity of Wellington over many years, including Westpark Business Park, but for a variety of seemingly valid reasons has been unable to identify any alternative to that proposed on the Taunton Road. If it is unable to relocate to that site I fear the business would be unable to adapt and may potentially be forced to move away from the town. The impact of that loss would not only be on many of the employees but also on the many Taunton Deane rural businesses that currently depend on the hospital for essential support.

The site at Taunton Road offers good frontage for the business, and easy access for rural customers, particularly those with large animals. Having ruled out any other options I would therefore be fully supportive of the use of that site for the veterinary hospital.

Representations

Two letters have been received raising no comments.

Two letters of objection have been received making the following comments:

- The roof material should be of a more domestic appearance – e.g. slate or tile. Local residents may otherwise feel that they are living on an industrial estate.
- Query where the footpath diversion would be.
- Query whether the paddock is within the red-line site plan or whether it is the rest of the field.
- This is further unnecessary development which is within the proposed Wellington ~Green Wedge.
- There will be only a tiny area of green land between Wellington and the Chelston Roundabout.
- Query why the site cannot be on the new trading estate.
- There may be excessive noise from the premises. Outside kennels for dogs are not shown, but it should be stipulated that there are not any. Rooms where dogs are kept overnight should be suitably sound proofed.
- Query how surface water would be dealt with.
- Visitors to the site may park in Bramley Close and walk through.
- Measures should be put in place to ensure that the remainder of the field is undeveloped. The remainder of the field could easily be developed due to the position of the access.
- Query whether the remainder of the field could be given to the Council or local residents.
- Query what sort of use a 'green wedge' can be put to.

One letter of comment raising the following points:

- This is a broadly rural location, so a veterinary hospital is acceptable in principle.
- There is potential for noise disturbance, particularly from kennels.
- The area is partly at risk of flooding, query where flood water would be channelled to.
- Taunton Road is prone to flooding at times.
- Query whether the speed limit would be reduced to account for the development.
- Query whether a site adjacent to the existing animal health facility at the Chelston roundabout would be ideal; perhaps on the site of the proposed mental health hospital.

PLANNING POLICIES

DETERMINING ISSUES AND CONSIDERATIONS

The main issue in the consideration of this application considered to be the principle of the development. The acceptability of the proposal rests upon a balance between the impact on the proposed green wedge and the economic benefits that the proposal may bring. Other issues that must be considered are the impact on the highway network, design of the building, impact on ecology and impact on the public right of way.

Principle

The site is outside the settlement limit of Wellington as identified in the Taunton Deane Local Plan. The site is also within an area identified as Green Wedge in the emerging Core Strategy, which was submitted for examination in November. In planning policy terms, therefore, the site is considered to be open countryside, where there is a general presumption against the development.

In location terms, it adjoins the existing settlement limit of Wellington. Whilst this is generally classed as open countryside for planning purposes it is still relatively well related to the town, sitting between the main residential area of Wellington and the Chelston business parks. It is, however, an out of town site and would, generally, be regarded as less sustainable in transport terms than the Vet's existing town centre premises. That said, the site continues to be served by existing bus stops and it is considered that the number of people visiting a veterinary surgery by means other than the private car is likely to be very limited, due to the difficulties in transporting sick animals by public transport. In addition, it is accepted that most of the surgeons would need to have their cars at work to attend site visits, so they would drive to work wherever the hospital was located. A travel plan has been submitted, and revised following highway comments, to seek to reduce travel to the site by private car.

The Vets have explained how their business has developed in recent years. In order to continue to develop, they need to expand and their existing, listed, premises in the centre of town are physically constrained and difficult to access. Facilities such as a large animal treatment room and associated paddock would be completely unachievable in a town centre site and this had driven the practice to look at more rural locations. Their desire to stay within Wellington, however, has led them to sites on the urban fringe such as that now proposed.

The application explains how over the last 6 years, the Vets have been searching for alternative sites and details 13 sites that have been discounted for various reasons. Most notably, as suggested by Wellington Town Council, sites at Westpark 26 have been considered to be inappropriate. Crucially, the desire for the hospital to have a paddock attached is intended to allow horses to be treated, exercised and examined in safety and the applicants are concerned that a business park location may mean that horses are affected by the noise and industrial activity, putting them and the staff at risk. Land adjoining Westpark has also been investigated, but adjoining landowners are unwilling to sell.

The proposed green wedge is intended to separate Wellington from the Chelston business parks, providing both a visual break and an opportunity for strategic surface water attenuation, wildlife habitats and informal recreation opportunities. The proposed green wedge is narrow, constrained by existing development on both sides and any erosion of it could, therefore, undermine its function and long term strategic aims. However, the site does occupy only a small area of land in the northwest corner of the proposed wedge. The green wedge at this point would be wider than it is further to the south as the Cades phase II housing development would extend further to the east than the proposed site. In many ways, the development of this site would continue the existing permitted development to the north in a more or less straight line.

Development of the site would leave a small area of land between the proposed hospital and Cades phase II housing site. Some concern has been expressed regarding a precedent for development of this land, although that would have to be the subject of a further application and assessed at that time. Importantly, it is not considered that a precedent would be set for development of the entire green wedge or indeed the entire field. There are very specific and unusual circumstances at play here with the Vets land use requirement for a paddock and it seems highly unlikely that such circumstances would be replayed in the Wellington area. Indeed, no land is allocated in the Core Strategy for such a use because this is a 'one off'.

The Mount Vets currently employ 32 members of staff and they anticipate that this would expand further if they were allowed to construct their new hospital – the application suggests an initial increase to 39. This level of employment is not insignificant and relocation of the surgery to a site within Wellington would allow the existing employment to be retained within the town. There are, therefore, clear economic benefits from the proposed relocation and this is considered to outweigh the harm that may result to the green wedge. Taking these points in the round, it is considered that the proposal is acceptable in principle.

Highways

The site would derive access from the B3187, Taunton Road; the main route into Wellington from the east. It is consequently a busy stretch of highway and due to the anticipated vehicular movements, a right turn lane is proposed. This, coupled with the site's location on the inside of a bend the new junction, associated road widening and visibility splays mean that the access arrangements would have a significant visual impact (considered below).

The formal comments of the Highway Authority are still awaited. They have verbally confirmed that the transport assessment is acceptable in terms of its traffic impact, the principle of a right turn lane junction is required, and the internal layout is generally acceptable. However, they point out that the proposal is contrary to Policy 49 of the Structure Plan as it derives access from a County Route. Therefore, they object in principle, unless the Local Planning Authority decides that there is an overriding need for the development in this location. As reasoned above, it is considered that there is a need for the development and, therefore, the principle of accessing from the County Route is acceptable.

The Highway Authority originally made a number of detailed requests regarding the

technical details of the junction. These appear to have been addressed by a revised submission, however, the revised highway comments have not yet been received. However, it seems likely that they will accept that the concerns have been addressed.

A travel plan has been submitted with the application and the Highway Authority also considers that this is acceptable, subject to a few amendments. The applicant has agreed to these and an amended travel plan has now been submitted. The travel plan would seek to reduce travel to the site by private car, although as noted above, opportunities are limited by the nature of the business.

Impact on ecology

The formation of the new access would require the removal of a substantial length of hedgerow. This would affect identified dormouse habitat

In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of this protected habitat, which is an offence under these regulations, unless a license is first obtained from Natural England. However, under Regulation 9(5), the Local Planning Authority is a 'competent authority' must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need to safeguard jobs and allow a significant local business to expand, providing further jobs and a local service is considered to be in the public interest. It is also desirable that the business continues to be located in the most sustainable location possible and, given the inability to be sited in the town centre, this edge of town site is considered to be the next best option. As such, it is considered to be in the public interest to release the site for development.

(ii) That there is no satisfactory alternative

The considerations detailed above, in respect of the principle of the development, detail that the applicant has undertaken a considerable search for other sites in the Wellington Area. In light of the conclusions reached above, it is not considered that there is a satisfactory alternative.

(iii) That the FCS can be maintained

The Council's Biodiversity Officer has raised some concern about the impact of the development on Dormice. She is concerned, particularly, that given other development proposals in the locality, such as phase II of Cades Farm and the possible future development of Jurston Farm, that the dormouse population in the area would be under significant stress. The Application, however, does propose to form a new hedgerow on the inside of the site, which would maintain the connectivity that may be lost through the formation of the new access. Natural England, in their consultation response, have not objected to the proposal. They are satisfied that the mitigation proposed would be sufficient to maintain FCS. It is, therefore, considered that subject to the receipt of a detailed strategy for wildlife protection, FCS would be maintained and the wider impact on wildlife would be acceptable.

Design and visual impact

The applicants intend to build a state of the art modern veterinary hospital and as such, the operational needs of the hospital have influenced the detailed design. Externally, the building would be finished in render over reconstituted stone. It would have a profiled metal sheet roof that would be grey in colour. 5 'chimney's' would be provided on the roof that would house air vents and heat exchangers on the building to improve the energy efficiency of the building, driven by a requirement for large quantities of energy that currently required to cool the building and heat water. Rainwater would be recycled, but there is a limit to how much 'grey' water can be harvested due to the needs to maintain a sterile environment within the building.

The building would be visible over the replanted roadside hedge on approach to wellington. Whilst clearly a large and fairly functional building in appearance, it is considered to be well designed being of a modern appearance, whilst remaining fairly simple in proportion and detailing. Neighbouring residents have raised concern over the choice of roof material, suggesting that it would be too industrial in nature to sit comfortably with the neighbouring residential properties. However, this is not a domestic building and it would be separated from the neighbours by the paddock area and, accordingly, the relationship of the materials is considered to be acceptable. The grey colour would be similar to slate, which is the main roofing material for the historic parts of Wellington.

As noted above, the new access would have a significant visual impact. The existing roadside hedge would have to be removed and replanted behind new visibility splays. The loss of the existing roadside hedge would clearly have a significant short term visual impact and this would further the impact on the green wedge. However, once the new planting establishes, it is considered that the new building would be properly assimilated into the landscape and the access provided in as subtle a way as possible.

A detailed landscaping scheme has been submitted. The landscape officer remains unhappy with the proposals in principle and further considers that the landscape mitigation solution is not particularly good. In particular, he is concerned that the proposed replanted roadside hedge is particularly narrow and, therefore, would not acceptably screen the site from the highway. However, the proposed hedge is the widest possible due to its location between the new visibility splays and a water main and underground sewer. Further structural planting, with trees and banking would

be provided around the southern boundary of the site and further tree planting would be provided within the car parking area.

Impact on neighbours

The proposed hospital would adjoin existing residential properties at Bramley Close to the west. The physical building would be separated from these dwellings by the proposed paddock area and the existing boundary hedge. It is, therefore, not considered that the proposed building would be unacceptably overbearing on the neighbouring properties, nor would it lead to an unacceptable degree of overlooking.

Neighbours have raised concern about possible noise disturbance, such as might arise from dogs barking overnight. The proposed dog kennels would be entirely internal within the building and staff would be present on site all night. Therefore, it seems unlikely that there would be significant disturbance from sources such as this.

Environmental health have verbally commented on the proposals, noting that they have never received any complaints of disturbance from the existing Town Centre premises, so they would not wish to be formally consulted on the current application. The impact on neighbouring property is, therefore, considered to be acceptable.

Impact on the Public Right of Way (PROW)

A PROW currently crosses the site diagonally from Bramley Close to Taunton Road, with the egress onto Taunton Road being via a stile directly opposite the continuation of the path to the north. Development of the site will require the PROW to be diverted.

It is proposed to provide a line for the footpath along the western boundary of the site, between it and Bramley Close. The diversion would mean that users of the footpath would have to walk slightly further if they wished to continue to the north as they would effectively be walking along two sides of a triangle instead of one. However, the distance would not be far and the proposal would have the benefit of allowing the stile onto Taunton Road to be replaced with a gap or gate. The PROW team at SCC have not raised an objection to the proposal and, therefore, it is considered that the impact on the public right of way is acceptable.

Conclusions

The proposal would allow an existing business and significant employer in Wellington to relocate to premises that allowed the business to continue to develop further. As such, there are significant economic benefits to the town in allowing the proposal to proceed, and this is considered to outweigh the limited impact on the proposed green wedge and landscape approach to Wellington. The impact upon highway safety, ecology and neighbouring residents is considered to be acceptable and accordingly, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

CREST NICHOLSON (SW) LTD AND ABBEY MANOR DEVELOPMENTS

APPLICATION FOR THE APPROVAL OF RESERVED MATTERS FOLLOWING APPLICATIONS 38/99/0394 AND 38/06/0135 FOR THE ERECTION OF 204 NO. 2, 3 AND 4 BEDROOM DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND EXTERNAL WORKS, AREAS A, B, C AND D, FIREPOOL LOCK, TAUNTON

Grid Reference: 323146.125341

Reserved Matters

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The development represents a sustainable use of brown field land for residential purposes of design layout and scale considered appropriate to the nature of the site and in accordance with development plan policies. The application comprises details pursuant to an outline consent for development and is considered to constitute an acceptable form of development in accordance with the requirements of PPS3 and Policies S1, S2 & T3 of the Development Plan

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule*

* TO BE INCLUDED WITH THE COMMITTEE AMENDMENT SHEET

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

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

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

3. No dwelling shall be occupied until the building hereby permitted is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the building and existing highway.

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.

Notes for compliance

PROPOSAL

This is a reserved matters application for the erection of 204 dwellings on areas, A, B, C and D of the East Goods Yard (Firepool Lock) in Taunton. Outline planning permission was granted in 2004 with a Section 106 legal agreement that secured Highway works, a footway/cycle link on the northern bank of the canal, contributions towards off-site transport infrastructure, education, public open space and 21% affordable housing.

This application seeks consent for the appearance, access, landscaping, layout and scale of the development and includes a mix of houses and apartments that front onto the proposed Northern Inner Distributor Road and Bridgwater and Taunton Canal. There are terraces of properties proposed in the centre of the site which follow a traditional 'back to back' layout.

This is a bespoke proposal with house types and apartments designed specifically for the site and maximise the development potential. The scheme includes:

No. 112 Apartments/FOGs
No. 92 Houses

There would be 308 parking spaces for these 204 dwellings and the development would include a mix of 2 to 5 storey buildings (with some undercroft parking to take advantage of the sloping site). There are significant changes in level from North to South across the site. There is a drop in height of approximately 6 metres from the newly constructed station approach/NIDR down to the proposed towpath on the northern bank of the canal.

The proposal has a contemporary feel based on historical town development and the palette of materials includes render, brick and timber and a mix of traditional pitched, mono-pitched and flat roofs.

SITE DESCRIPTION AND HISTORY

The site lies to the north of the Bridgwater and Taunton Canal on land that was formerly operational railway land. It is generally known as East Goods Yard although it has also been referred to as Firepool Lock in the Town Centre Area Action Plan (TCAAP). The proposed Northern Inner Distributor Road (NIDR) runs through the centre of the site and this section of the new road has been constructed. To the north of the site is the main rail line, with Winkworth Way to the East. The entire site that has outline planning permission is approximately 4.8 Hectares.

Development is underway on Area E with the new Knightstone properties nearing completion and the remaining areas A, B, C, D (which are the subject of this application) have been re-graded as part of decontamination works and construction

of NIDR.

The allocation in the TCAAP reflects previous planning permissions and states:

Policy FP3 - The Firepool Lock development will provide:

- a. approximately 500 dwellings, including 21% affordable housing.
- b. at least 7,00 square metres of office space.
- c. refurbishment of the listed pump house building.

Relevant Planning History

An outline application was submitted in 1999 to redevelop the former East Goods Yard for a mix of uses including residential, B1 employment, conversion of pumphouse, access road and new canalside walkway. Permission was granted in August 2004 (ref 38/99/0394).

In 2006 a further application to vary the time limit and masterplan conditions was submitted and subsequently approved. This extended the time period for the submission of reserved matters applications for 6 years until 19th May 2012 and required the submission of an indicative masterplan. (ref 38/06/0135).

In 2007, following a public consultation and presentation to the Regional Design Review Panel, a masterplan was submitted and agreed by TDBC. This document was referred to as the Design and Access Statement and allocated/zoned 10 areas for a mix of uses that were predominantly residential. It proposed 460 dwellings comprising 443 apartments and 17 houses at an average density of 140 dwellings per hectare.

In April 2007 a reserved matters application for B1 office development on Area I (with additional surface level car parking on Area J) was submitted. This included 7,200 sq m of B1 office space in a building ranging from 5 to 7 stories. Permission was granted in December that year and remains extant. (ref 38/07/0193) – *Area I does not form part of the current reserved matters application although Area J is the subject of a separate application.*

A reserved matters application for 100 apartments and 4 town houses was submitted in 2008 for Area A. This had a Planning Committee resolution to approve subject to a variation in the Section 106 Agreement, but the development has not progressed.

In 2009 a reserved matters application was submitted by Knightstone Housing Association for 108 apartments that was compliant with the approved masterplan and is under construction. This provided the affordable housing element of the outline planning permission. (ref 38/09/0190)

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

ENVIRONMENT AGENCY – no objections (conditions on the outline permission will

need to be complied with)

NATURAL ENGLAND – This application does not appear to fall within the scope of consultations that Natural England would routinely comment on.

NETWORK RAIL – There are restrictive covenants in place that protect Network Rail's position regarding access to our retained operational land and provided these are complied with we have no objection in principle to the proposed layout.

HERITAGE LEAD – no comments

COMMUNITY LEISURE – As this is a reserved matters application and not a full application I am unable to request contributions to community development

DRAINAGE ENGINEER – No objection

ECONOMIC DEVELOPMENT - no comments received

ENVIRONMENTAL PROTECTION CONTAMINATED LAND – contaminated land requirements are subject to a planning condition on the outline permission therefore no further comment

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – Comments on noise made on other application on Area J (between the NIDR and railway).

STRATEGY AND COMMUNICATIONS – no observations

HOUSING ENABLING LEAD – The affordable housing provision has been provided within the 108 units under construction within Area E of Firepool Lock.

LANDSCAPE LEAD – my main concerns are:

- The poor quality canalside landscape that does little to integrate the proposals with one of the Boroughs most important tourist resources.
- There is little scope for Tree Planting along the main road
- The eastern and western Corners are poorly related to their immediate environments

PROJECT TAUNTON – no comments received

POLICE ARCHITECTURAL LIAISON OFFICER –

Having reviewed the documentation submitted in support of the application, I would comment as follows:-

- Many of the comments in respect of Area J would also seem to be appropriate in respect of Areas A, B, C, and D. In particular:-

The lack of information in the DAS in respect of crime and disorder prevention measures,

The lack of defensible space around the various apartment blocks and some of the residential housing,

The crime statistics provided for the area of this development, and

The information provided regarding the police approved 'Secured by Design'

award scheme.

Additional general comments are as follows:-

- The canalside properties appear to be accessible from both the front and rear. The majority of burglaries occur at the side or rear of premises, so the more vulnerable boundary treatments at these locations should be minimum height of 1.8m. The ground floor balconies facing the canal at the front of these premises could also be accessible from the public footpath/cycleway. Appropriate measures should therefore be taken to prevent this.
- In this regard, I have some concerns regarding the comment in the DAS that '*fences/walls adjacent to public spaces will be minimised*', as this could allow the potential offender direct access to premises. Some form of defensible space should be provided for all dwellings and other buildings comprising low level walls, fences, hedges or similar for frontages and higher boundary treatments for the side and rear. Bearing in mind the number of flat roofs throughout the development, any potential climbing aids should also be avoided.
- The majority of the remaining dwellings appear to be orientated 'back to back' with no rear access alleys. This is the preferred orientation as it enables neighbours to watch over one another and makes the potential offender feel vulnerable to detection whilst restricting unauthorised access to the rear of dwellings.
- A number of the perimeter blocks appear to have undercroft parking. Vehicles parked in such locations can be vulnerable to attack, particularly during the hours of darkness, as by their very nature there is unrestricted access into them. The undercroft can also impede surveillance from surrounding buildings. I note that a range of parking solutions is proposed and police advice is that cars should be parked in locked garages or on a hard-standing within the dwelling boundary, preferably behind a gate. Where communal parking areas are necessary they should be in small groups, close and adjacent to homes and within view of active rooms within these homes. Judging by the plans, this generally seems to be the case.

SCC - *ECOLOGY* - no comments received

SCC - *CHIEF EDUCATION OFFICER* - no comments received

SCC - *DEVELOPMENT CONTROL ARCHAEOLOGIST* - no comments received

SCC - *TRANSPORT DEVELOPMENT GROUP* – meeting held between applicants and Highway Authority on 22nd November resulting in amended plans being submitted. Detailed comments on amended plans are pending.

SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY – We have looked at the proposals in these applications and note that they recognise the importance of the Pumping Station as a key feature of the landscape. However, we do have some concerns over the relative heights of the proposed adjacent buildings. Unfortunately the contextual elevation drawings do not extend to show the Pumping Station, but the plans do show that the buildings immediately to the east of the Pumping Station

are 4 storey, whereas most of the other canalside buildings are 3 storey. The Pumping Station is, and should remain, an imposing structure especially when viewed from the canal. We would therefore have preferred to see a lower building alongside.

SOMERSET WATERWAYS ADVISORY COMMITTEE – SWAC would like to see gains for the canal as part of this development. They would include dredging the canal from Firepool to Obridge, refurbishment of the pumphouse, a landing and mooring stage, we would also recommend a wider grass margin between the path and the buildings.

SOMERSET WILDLIFE TRUST - no comments received

TAUNTON & DISTRICT CIVIC SOCIETY - no comments received

WESSEX WATER – no observations

WESTERN POWER DISTRIBUTION – There are high and extra high voltage cables in the vicinity of the development that will require deviation.

BRITISH WATERWAYS – comments on amended plans pending

Representations

1 letter of support

- Good use of land and positive move for Taunton
- Wish to see the accommodation built to the highest environmental standards with consideration given to cycle paths, cycle storage space and green community growing and recreation spaces.

1 letter of objection

- There is not enough land for the build
- There will not be enough parking spaces
- More thoughtful long-lasting regeneration and building programme is required.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
FP3 - TTCAAP - Firepool Lock,
T3 - TDBCLP - Firepool Major Development Site,

DETERMINING ISSUES AND CONSIDERATIONS

Principles of Development

The principles of residential development on this site have long-standing approval with an extant outline planning permission. Areas A through to D have always been allocated for residential development with significant opportunities to provide high quality housing of a significant scale that would address both the canal and NIDR.

The outline planning permission included a Section 106 Agreement that secured contributions towards open space/recreation and education and also required the provision of highway improvements, a pedestrian/cycle footpath along the canal and onsite affordable housing. The affordable housing is currently being provided as part of the Knightstone development that is nearing completion. As this is a reserved matters application that is not considering the principles of development, matters such as community development contributions have already been secured and are not open for consideration now.

The scale of development in terms of its height and density has been reduced in response to changes in the residential development market. In 2007, when the Masterplan was prepared, it was envisaged that the residential element would be almost solely apartment led and have an average height of about 4, 5 and 6 storeys. This could have provided 460 units whereas the current proposals (together with the Knightstone development) would provide 348 units with a much greater proportion of houses. The overall site density has reduced from 140 to 105 dwellings per hectare and this is considered to be an appropriate level and efficient use of previously developed land.

Design

The submitted Design and Access Statement sets out the design concept and principles that are based on the Masterplan, TCAAP and Design Code. These include:

- A general orientation towards the canal and river corridor;
- A well-defined built form achieved through the establishment of continuous frontages and consideration of building height in response to street hierarchy; and
- New streets that are orientated perpendicular to the canal to capitalise on views towards this landscape feature and to allow solar penetration taking into account the solar pathway.

The proposal represents a good quality scheme of bespoke design to address different parts of the site. The 3 storey town houses that front onto the canal are of an appropriate appearance and scale for the waterside element whereas, higher apartments are proposed along the route of the NIDR and will form the required sense of enclosure and rhythm along the wide distributor road.

The terraces of 'back to back' dwellings that run north/south are a well thought out response to the significant drop in levels across the site. The palette of materials and window proportions result in a contemporary approach to the redevelopment of this site that accords with the principles of the Design Code and represents a strong architectural response on this important town centre site.

Pumping Station

It should be noted that Firepool Pumping Station is not included in this reserved matters application and will come forward as a separate proposal under the outline planning permission.

A comment has been made on this current application with regard to the impact of

the Development on the Pumping Station which is a listed building and heritage asset. The previous application for 100 apartments on Area A (immediately to the east of the Pumping Station) has a planning committee resolution to grant permission. This included a five storey block, of a similar height, adjacent to the Pumping Station. A further two storeys were proposed on the building fronting onto the NIDR which would be higher than the Pumping Station. The current proposal for a four storey apartment block has a much better relationship with the heritage asset and is of an appropriate scale.

Landscaping

The houses that will front onto the canal will have projecting balconies that maximise the potential for a strong edge against this important feature. Landscaping is provided on both sides of the new towpath with the existing grass bank on the canalside and proposed planning at the properties edge. It is considered that when looking at the design as a whole, it is more important to have a strong urban edge facing the canal rather than a landscaped screen or buffer.

Tree planting is proposed along the route of the NIDR but again, the design philosophy is for strong urban frontage to the public realm and therefore specimen feature trees would be planted rather than thicker 'belts' of landscaping.

It is considered that the landscaping strategy is appropriate to the form of development .

Highways

During the processing of this application a meeting was held with the applicants, architects, planning agents and County Highways Authority. This resulted in some minor amendments to the internal road layout and construction. It also led to extra pedestrian routes being provided between the housing and canside towpath. Due to the significant changes in levels across the site from the NIDR to the canal, these routes are stepped and not necessarily suitable for cycles. Cycle routes are provided where the levels allow and a canalside route is provided as required by the Section 106 Agreement. The detailed comments on the amendments are awaited however it is considered that the outstanding issues have been addressed.

Conclusion

This proposal is a well considered development that allows an important town centre site to be redeveloped in a difficult housing market. Although it differs from what may have been expected in 2007 when the Masterplan proposed a greater number of apartments, the scale is appropriate for Taunton and will deliver a high quality housing scheme. The proposals are therefore recommended for approval.

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

CONTACT OFFICER: Mr B Kitching Tel: 01823 358695

APPLICATION FOR THE APPROVAL OF RESERVED MATTERS FOLLOWING APPLICATIONS 38/99/0394 AND 38/06/0135 FOR THE ERECTION OF 36 NO. 2 BEDROOM APARTMENTS WITH ASSOCIATED INFRASTRUCTURE AND EXTERNAL WORKS, AREA J, FIREPOOL LOCK, TAUNTON

Grid Reference: 323237.125411

Reserved Matters

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The development represents a sustainable use of brown field land for residential purposes of design layout and scale considered appropriate to the nature of the site and in accordance with development plan policies. The application comprises details pursuant to an outline consent for development and is considered to constitute an acceptable form of development in accordance with the requirements of PPS3 and Policies S1, S2 & T3 of the Development Plan

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule*

* TO BE INCLUDED WITH THE COMMITTEE AMENDMENT SHEET

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

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

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

3. No dwelling shall be occupied until the building hereby permitted is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the building and existing highway.

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.

Notes for compliance

PROPOSAL

This is a reserved matters application for the erection of 36 apartments on Area J of the East Goods Yard (Firepool Lock) in Taunton. Outline planning permission was granted in 2004 with a Section 106 legal agreement that secured Highway works, a footway/cycle link on the northern bank of the canal, contributions towards off-site transport infrastructure, education, public open space and 21% affordable housing.

This application seeks consent for the appearance, access, landscaping, layout and scale of the development and includes three blocks of twelve apartments that front onto the proposed Northern Inner Distributor Road and back onto the railway line.

There would be 36 parking spaces (1 space per dwelling) and the development would include secure indoor cycle storage for a further 36 bicycles. The proposal has a contemporary feel based and the palette of materials includes render, brick and timber with flat roofs.

SITE DESCRIPTION AND HISTORY

The site lies to the north of the Bridgwater and Taunton Canal on land that was formerly operational railway land. It is generally known as East Goods Yard although it has also been referred to as Firepool Lock in the Town Centre Area Action Plan (TCAAP). The proposed Northern Inner Distributor Road (NIDR) runs through the centre of the site and this section of the new road has been constructed. To the north of the site is the main rail line, with Winkworth Way to the East. The entire site that has outline planning permission is approximately 4.8 Hectares.

Development is underway on Area E with the new Knightstone properties nearing completion and the remaining areas A, B, C, D (which are the subject of the associated application) have been re-graded as part of decontamination works and construction of NIDR. Area J is currently the building compound and site offices for Area E.

The allocation in the TCAAP reflects previous planning permissions and states:

Policy FP3 - The Firepool Lock development will provide:

- a. approximately 500 dwellings, including 21% affordable housing.
- b. at least 7,00 square metres of office space.
- c. refurbishment of the listed pump house building.

Relevant Planning History

An outline application was submitted in 1999 to redevelop the former East Goods

Yard for a mix of uses including residential, B1 employment, conversion of pumphouse, access road and new canalside walkway. Permission was granted in August 2004 (ref 38/99/0394).

In 2006 a further application to vary the time limit and masterplan conditions was submitted and subsequently approved. This extended the time period for the submission of reserved matter applications for 6 years until 19th May 2012 and required the submission of an indicative masterplan. (ref 38/06/0135).

In 2007, following a public consultation and presentation to the Regional Design Review Panel, as masterplan was submitted and agreed by TDBC. This document was referred to as the Design and Access Statement and allocated/zoned 10 areas for a mix of uses that were predominantly residential. It proposed 460 dwellings comprising 443 apartments and 17 houses at an average density of 140 dwellings per hectare.

In April 2007 a reserved matters application for B1 office development on Area I (with additional surface level car parking on Area J) was submitted. This included 7,200 sq m of B1 office space in a building ranging from 5 to 7 stories. Permission was granted in December that year and remains extant. (ref 38/07/0193) – *Area I does not form part of the current reserved matters application although Area J is the subject of a separate application.*

A reserved matters application for 100 apartments and 4 town houses was submitted in 2008 for Area A. This had a Planning Committee resolution to approve subject to a variation in the Section 106 Agreement, but the development has not progressed.

In 2009 a reserved matters application was submitted by Knightstone Housing Association for 108 apartments that was compliant with the approved masterplan and is under construction. This provided the affordable housing element of the outline planning permission. (ref 38/09/0190)

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

ENVIRONMENT AGENCY – no objections (conditions on the outline permission will need to be complied with)

NATURAL ENGLAND – This application does not appear to fall within the scope of consultations that Natural England would routinely comment on.

NETWORK RAIL – There are restrictive covenants in place that protect Network Rail's position regarding access to our retained operational land and provided these are complied with we have no objection in principle to the proposed layout.

HERITAGE LEAD – no comments

COMMUNITY LEISURE – As this is a reserved matters application and not a full application I am unable to request contributions to community development

DRAINAGE ENGINEER – No objection

ECONOMIC DEVELOPMENT - no comments received

ENVIRONMENTAL PROTECTION CONTAMINATED LAND – contaminated land requirements are subject to a planning condition on the outline permission therefore no further comment

ENVIRONMENTAL HEALTH - NOISE & POLLUTION –

I refer to the information that has been submitted regarding noise issues at the above site.

- Noise and Vibration Assessment, December 2011, Hydrock.

I also refer to my previous memo of 14th November 2011 and the Hydrock Noise Assessment from 2007, which has also been submitted with the application.

The 2007 report assumed that Area J (covered by this application) would be offices. This has been reviewed in the 2011 report which makes an assessment of the noise impact on a residential use at Area J.

Both reports include details of noise and vibration monitoring carried out at the site, and an estimate of the noise levels from the railway and the proposed strategic road at the site of the proposed development. Recommendations are made of for noise mitigation.

The Assessment recommends that where any residential premises are within a part of the site that falls within Noise Exposure Category C (NEC C) a higher standard of glazing and ventilation should be used to achieve an acceptable internal noise level.

The 2011 Assessment includes plans of the site showing which areas in each Noise Exposure Category. These show that the southern part of Area J (adjacent to the proposed Northern Inner Distributor Road (NIDR)) would be in NEC C and the northern part of the site in NEC B.

However, I note that the noise monitoring carried out in 2007 at 10m from the railway line found levels that would put that part of the site in NEC C. Also, the noise contour maps in the 2007 report show the northern edge of the site to be in NEC C.

I have spoken to the consultant at Hydrock about the predicted noise levels and it was confirmed that even though some of the modelling showed the northern part of the site to be in NEC B, it was only just below the level required to be in NEC C. This was due to the noise levels being averaged over the whole of the night or day-time period; the noise from individual movements of trains will be high at the northern side of Area J.

The Hydrock report recommends that in areas of NEC C upgraded glazing of 6/12/6.4 PVB inner layer should be used, with passive acoustic ventilation of a standard approved for use under the Noise Insulation Regulations.

Due to the high levels of noise from the railway I would recommend that all the façades on residential properties within Area J are subject to a higher standard of noise attenuation, not just those facing the Distributor Road. The developer should

use the glazing and ventilation systems outlined in the Hydrock report or a system that provides at least the same level of noise attenuation.

N.B. even with a higher standard of glazing and acoustic ventilation it is likely that noise from the railway and road will be clearly audible inside the flats on this site.

STRATEGY AND COMMUNICATIONS – no observations

HOUSING ENABLING LEAD – The affordable housing provision has been provided within the 108 units under construction within Area E of Firepool Lock.

LANDSCAPE LEAD – There is little opportunity within the proposed development to provide any landscape mitigation as seen from the road or rail side. The proposed tree planting does little to integrate the proposals into what is a 'hard' urban situation. At the very least I would like to see more tree planting along the northern aspect of the site and larger growing trees wherever feasible

PROJECT TAUNTON – no comments received

POLICE ARCHITECTURAL LIAISON OFFICER –

Having reviewed the documentation submitted in support of the application, I would comment as follows:-

Design & Access Statement - PPS1 Makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or the fear of crime does not undermine quality of life or community cohesion. Design & Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in '*Safer Places. The Planning System and Crime Prevention*'. Whilst the applicant's DAS mentions some measures like '*clear distinction between public and private areas*', '*internal streets will have active frontages*', '*all streets overlooked*', I feel that more comprehensive details relating to safety and security should be provided, as required by paragraph 132 of CLG publication '*Guidance on Information Requirements and Validation*'.

Crime Statistics - reported crime statistics for the area of this proposed development (within a 500m radius of the grid reference) during the period 01/10/2010 - 30/09/2011 reveals the following:-

- Arson - 2 Offences
- Burglary - 59 Offences
- Criminal Damage - 57 Offences
- Drugs - 21 Offences
- Fraud/Forgery - 11 Offences
- Other - 7 Offences
- Robbery - 2 Offences
- Theft & Handling Stolen Goods - 179 Offences
- Violence Against the Person - 86 Offences
- Total 424

This level of crime is classed as 'Average' but it does provide a clear indication of

the sort of offences that could affect this development when complete.

Layout - roads, cycleways and footpaths appear to be open and direct and should not undermine the defensible space of neighbourhoods. Where it is necessary to limit access to residents and their visitors e.g. the parking area, the use of physical or psychological features such as rumble strips, change of road surface by colour or texture or similar can help define defensible space, giving the impression that the area beyond is private. Footpaths should be as straight as possible, wide, well lit, devoid of potential hiding places and overlooked by surrounding buildings.

Perimeter Block Boundaries - it is important that boundaries between public and private areas are clearly delineated. I have some concerns regarding the lack of any defensible space around the blocks which enables the potential offender to have direct access to ground level doors, windows etc. In addition, the lack of any defensible space creates an increased risk of vandalism, graffiti and anti-social behaviour adversely affecting residents in the ground floor flats. To deter this, I would strongly recommend the implementation of some form of defensible space around the blocks, even if only in the form of low level planting of thorny shrubs or similar. This would also give the residents a sense of ownership of the semi-private area around the block.

Natural Surveillance - optimum natural surveillance should be incorporated whereby residents can see and be seen. Measures should include an unobstructed view of all external areas, roads, footpaths, parking area etc. Also, the avoidance of any recesses, blind corners and potential hiding places. The design of the blocks is such that, generally speaking, this appears to be the case. The proposed Bin and Cycle Stores do not appear to be overlooked from this particular block but should be visible from blocks opposite in due course. The Bin and Cycle Stores appear to be of substantial construction, being part of and connecting with the three accommodation blocks. Stores should be lockable to prevent theft of cycles and misuse of 'wheelie' bins as climbing aids and for ASB.

Car Parking - the proposed communal car parking at the rear of the block appears to be well overlooked from residents' flats and spaces should be allocated to be close and adjacent to owners' homes and within view of active rooms within these homes.

Planting/Landscaping - planting/landscaping should not impede natural surveillance and must not create potential hiding places for intruders close to footpaths or buildings, where doors and windows may be obscured. Frontages should be open to view and any boundaries e.g. low walls, fences, hedging that are implemented should no more than 1m in height. Mature trees should be devoid of foliage below 2m thereby creating a 1m clear field of vision. Defensive planting i.e. thorny shrubs can be used in appropriate locations to deter unauthorised access.

Lighting - street lighting on both adopted and unadopted roads should comply with BS5489. Security lighting should also illuminate communal doors, Bin & Cycle Stores and any other potentially vulnerable areas. Such lighting should be vandal-resistant and low wattage, operated by photoelectric cell or time switch.

Communal Entrances - form a first line of defence and should be fitted with an access control system e.g. video door entry phone system with electronic lock release or similar, followed by controlled entry onto each floor and the final

individual flat lockable doorset. Utility meters and an appropriate system of mail delivery should be installed outside of individual flats in suitable locations within the blocks, or externally, to deter bogus callers and not compromise the security of the blocks.

Physical Security of the Flats - individual flat doorsets should comply with PAS 24 and windows with BS 7950. Ground floor and easily accessible windows should be laminated to provide additional security and resilience to attack. However, care needs to be taken with regard to doors and windows to ensure means of escape in the event of fire.

Secured by Design(SBD) - is the official police initiative supporting 'designing out crime' and the applicant is advised to consult the 'New Homes' and ' Multi-Storey Dwellings' design guides contained within the SBD website - www.securedbydesign.com - for more comprehensive information and advice.

SCC - ECOLOGY - no comments received

SCC - CHIEF EDUCATION OFFICER - no comments received

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - no comments received

SCC - TRANSPORT DEVELOPMENT GROUP – meeting held between applicants and Highway Authority on 22nd November resulting in amended plans being submitted. Detailed comments on amended plans are pending.

SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY – We have looked at the proposals in these applications and note that they recognise the importance of the Pumping Station as a key feature of the landscape. However, we do have some concerns over the relative heights of the proposed adjacent buildings. Unfortunately the contextual elevation drawings do not extend to show the Pumping Station, but the plans do show that the buildings immediately to the east of the Pumping Station are 4 storey, whereas most of the other canalside buildings are 3 storey. The Pumping Station is, and should remain, an imposing structure especially when viewed from the canal. We would therefore have preferred to see a lower building alongside.

SOMERSET WATERWAYS ADVISORY COMMITTEE – SWAC would like to see gains for the canal as part of this development. They would include dredging the canal from Firepool to Obriidge, refurbishment of the pumphouse, a landing and mooring stage, we would also recommend a wider grass margin between the path and the buildings.

SOMERSET WILDLIFE TRUST - no comments received

TAUNTON & DISTRICT CIVIC SOCIETY - no comments received

WESSEX WATER – no observations

WESTERN POWER DISTRIBUTION – There are high and extra high voltage cables in the vicinity of the development that will require deviation.

BRITISH WATERWAYS – comments on amended plans pending

Representations

1 letter of support

- Good use of land and positive move for Taunton
- Wish to see the accommodation built to the highest environmental standards with consideration given to cycle paths, cycle storage space and green community growing and recreation spaces.

1 letter of objection

- Taunton requires houses with gardens for residents
- The plan is trying to fill their housing needs in one small area
- Apartments are often rented resulting in lack of upkeep
- Residents are looking for starter homes, not small properties to rent.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
FP3 - TTCAAP - Firepool Lock,
T3 - TDBCLP - Firepool Major Development Site,

DETERMINING ISSUES AND CONSIDERATIONS

Principles of Development

The principles of residential development on this site have long-standing approval with an extant outline planning permission. Area J was originally identified in the Masterplan as the site for a multi-storey car park to provide residents parking for apartment development on other parts of the site. With the changes in the development proposed on Areas, A, B, C and D (where on-site parking will be provided) it is no longer necessary to have a multi-storey car park.

The Masterplan also proposed an office/employment 'wrap ' to the multi storey car park, however there have been significant changes in the market and an outline planning permission granted for employment development on Priors Bridge Car Park. It is considered that employment development of an appropriate height and scale is unlikely to come forward in the short to medium term that will require this part of the site to be reserved for additional employment uses.

There remains the extant planning permission for 7,200 square metres of employment on the adjoining Area I and this includes a sufficient amount of undercroft car parking for the location. Therefore, granting permission for this part of the site for residential development would not undermine the TCAAP policy FP3 which requires at least 7,000 square metres of office space.

The outline planning permission included a Section 106 Agreement that secured contributions towards open space/recreation and education and also required the provision of highway improvements, a pedestrian/cycle footpath along the canal and

onsite affordable housing. The affordable housing is currently being provided as part of the Knightstone development that is nearing completion. As this is a reserved matters application that is not considering the principles of development, matters such as community development contributions have already been secured and are not open for consideration now.

Design

The submitted Design and Access Statement sets out the design concept and principles that are based on the Masterplan, TCAAP and Design Code. These include:

- A general orientation towards the canal and river corridor;
- A well-defined built form achieved through the establishment of continuous frontages and consideration of building height in response to street hierarchy; and
- New streets that are orientated perpendicular to the canal to capitalise on views towards this landscape feature and to allow solar penetration taking into account the solar pathway.

The proposed blocks are of a suitable height and scale to address the NIDR where a strong urban form is required and provide a sense of enclosure and rhythm along the wide distributor road.

The palette of materials and window proportions result in a contemporary approach to the redevelopment of this site that accords with the principles of the Design Code and represents a strong architectural response on this important town centre site.

Pumping Station

It should be noted that Firepool Pumping Station is not included in this reserved matters application and will come forward as a separate proposal under the outline planning permission.

A comment has been made on this current application with regard to the impact of the Development on the Pumping Station which is a listed building and heritage asset. The previous application for 100 apartments on Area A (immediately to the east of the Pumping Station) has a planning committee resolution to grant permission. This included a five storey block, of a similar height, adjacent to the Pumping Station. A further two storeys were proposed on the building fronting onto the NIDR which would be higher than the Pumping Station. The current proposal for a four storey apartment block has a much better relationship with the heritage asset and is of an appropriate scale.

Landscaping

The comments of the Landscape Lead are noted however, the landscaping strategy has been design for the site as a whole, including areas A through to D. Tree planting is proposed along the route of the NIDR but again, the design philosophy is for strong urban frontage to the public realm and therefore specimen feature trees would be planted rather than thicker 'belts' of landscaping.

Planting between the site and the railway has not been an option on any of the

previous forms of development and has not been required on the adjoining sites that both have permission. It is therefore considered that the landscaping strategy is appropriate to the form of development .

Conclusion

This proposal is a well considered development that allows an important town centre site to be redeveloped in a difficult housing market. Although it differs from what may have been expected in 2007 when the Masterplan proposed a greater number of apartments and multi-storey car park, the scale is appropriate for Taunton and will deliver a high quality housing scheme. The proposals are therefore recommended for approval.

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

CONTACT OFFICER: Mr B Kitching Tel: 01823 358695

ERECTION OF DETACHED COMBINED COVERED CAR PORT/BIN STORE/BIKE STORE AND GARAGES TO SERVE NUMBERS 1 AND 2 ST MICHAEL COTTAGES, VICARAGE LANE, CREECH ST MICHAEL

Grid Reference: 327410.125335

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design). The manoeuvring space is less than that normally sought, however the space is sufficient for smaller cars, and should not have any detrimental impact on the neighbouring highway, in accordance with Taunton Deane Local Plan Policies S1 and M4.

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) Location Plan
(A4) DrNo 1199/P01 Site Plan
(A4) DrNo 1199/P02 Proposed Garage and Site Sections
(A4) DrNo 1199/P03 Proposed Garage Plan
(A4) DrNo 1199/P04 Proposed Roof Plan
(A4) DrNo 1199/P05 Proposed SW Elevation
(A4) DrNo 1199/P06 Proposed Southeast/Northwest Elevations
(A4) DrNo 1199/P07 Proposed Northeast Elevation

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the garage element hereby permitted shall not be used other than for the parking of domestic vehicles and not further ancillary residential

accommodation.

Reason: In order to provide parking spaces in accordance with Taunton Deane Local Plan Policy M4.

4. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

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

Notes for compliance

1. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang or any guttering will encroach on, under or over the adjoining property.

PROPOSAL

The application is for the erection of a block containing a pair of single garages, and two carports to the north-east of two newly erected semi-detached properties built as part of a scheme comprising the replacement vicarage at Creech St Michael. The structure would be 13m wide and 5.35m deep, with a hipped slated roof covering the garages and two flat roof areas for each car port. The sides would be stained timber boarding, the rear, where it abuts the fence to the neighbours would be UPVC cladding up to a height of 1.5m with timber cladding above the fence. The carports would be for storage of bins and bikes.

The application is before Committee as one of the applicants is related to a member of staff.

SITE DESCRIPTION AND HISTORY

The properties are sited in a short private drive to the south-east of Vicarage Lane. Properties are sited approx 25m to the north-east of the main wall to the new dwellings. The area was previous designed as a parking area for four cars and a bin/cycle store. A concrete slab has already been constructed, almost up to the intervening fence. The area for manoeuvring between the front steps/slope to the front porches and the fronts of the carports/garages is restricted. The distance between the carport and No.1 is 4.8m and the distance between the garage and No.2 is 4.62m as measured.

History:- 14/10/0009 - Demolition of Vicarage and erection of replacement Vicarage

with Parish Office and 2 No Dwellings with associated access at The Vicarage, approved 29/09/10.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The site itself is located along Vicarage Lane a designated unclassified highway to which 30mph speed limit applies past the site although, whilst on my site visit I observed that vehicle speeds and traffic movements along Vicarage Lane are low.

In detail, the proposal seeks to erect a detached garage with car ports and bin storage. Having made a site visit and studied the submitted drawings, it is clear to the Highway Authority that the area allocated for turning directly in front of the proposed garages lacks the desired width to allow a vehicle to make a three point manoeuvre. However, although the Highway Authority would wish to see segregated vehicle turning area, the site obtains access from/onto an unclassified highway, where vehicle turning is not necessarily required.

Taking into account the above information I raise no objection to this proposal and if planning permission were to be granted I would require conditions.

CREECH ST MICHAEL PARISH COUNCIL - comments awaited

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

Representations

None received at the time of report writing.

PLANNING POLICIES

AHAP - Areas of High Archaeological Potential,
EN12 - TDBCLP - Landscape Character Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

The original plan was for an open parking area in front of the two properties, which also included the area for bins and cycle parking. The new garages/carports will be partially seen from the adjacent Vicarage Lane, due to the walls and fences fronting the road and the new drive. The design of the new structure is considered to be acceptable, and is appropriate to the new development and the character of the area. The garages/carports are not considered to have any detrimental effect on the neighbours.

The main issue is the distance between the fronts of the garages/carports and the

fronts of the properties with their respective slopes/steps which restrict any over-sailing which may otherwise occur. Normally a distance of 6m is sought for manoeuvring between garage/car port openings and any structure opposite. The drive is private and any manoeuvring should take place within this area and not on the public highway, therefore this situation is considered to be appropriate.

The proposal is considered to be acceptable subject to conditions.

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

CONTACT OFFICER: Ms K Marlow Tel: 01823 356460

14/11/0044

MR S WATERMAN

ERECTION OF SINGLE STOREY EXTENSION TO THE SIDE AND REAR AT 10 CROWN LANE, CREECH HEATHFIELD

Grid Reference: 327834.127205

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

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:

(A3) DrNo 04 Existing Elevations
(A3) DrNo 07 Rev C Proposed Ground Floor and First Floor Plans
(A3) DrNo 06 Rev C Proposed Elevations
(A3) DrNo 05 Existing Ground Floor and First Floor Plans
(A4) DrNo 03 Proposed Block Plan
(A4) DrNo 02 Block Plan
(A4) DrNo 01 Location Plan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the windows to be installed in the **east** elevation of the extension shall be obscured glazed and non-opening . The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so

retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy S1(E) of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

Planning permission is sought for a single storey side and rear extension to the eastern side of the dwellinghouse to provide ancillary bathroom facilities and a dining room.

The side element of the extension will scale 1.7 metres, set back 400mm from the front existing building line and have a hipped mono pitched roof with a eaves height of 2.4 metres and ridge height of 3.9 metres. The side extension will continue into a rear projection of 7.8 metres with a maximum width of 4.6 metres. The roof of the rear element will continue from the mono pitch of the side extension, creating a hipped pitched roof over the proposed dining room. The roof will scale 4.3 metres running along 2 metres of ridge and then drop down to 3.9 metres in height. Materials are to match the existing dwelling. Top light windows only are proposed in the east elevation and double folding patio doors are proposed in the west elevation of the rear extension.

SITE DESCRIPTION AND HISTORY

The property comprises a detached bungalow which has had its loft space converted into additional living accommodation, with roof lights to the front and rear. The property has an attached linked single garage to the western side.

14/11/0027 Erection of single storey extension to side and rear. The extension projected into the rear garden by 10 metres, with a gable end. Maximum height to ridge was 4.5 metres , running along 7 metres and then dropping down to 4.1 metres. Application was withdrawn 29/09/2011 to enable a revised scheme to be submitted.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

CREECH ST MICHAEL PARISH COUNCIL - Feel that the application is not an improvement on the previous one - roof and brick wall will take considerable light from the neighbouring property; constitutes overdevelopment of the site; not in keeping with other properties in Crown Lane.

Representations

One letter of objection has been received from the adjoining property and three letters of objection have been received from people who live elsewhere in Creech

Heathfield and Taunton:

- extension will completely block light to the adjoining property, losing the afternoon sun;
- proposal is far too big and covers length of garden next door;
- proposed extension is very close and will give a feeling of being hemmed in;
- not in keeping with Crown Lane;
- proposal will affect light and sunlight to kitchen and conservatory of adjoining property;
- brick wall will be oppressive visual intrusion;
- scale of development too large;
- impact on human rights

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues for consideration are the size and scale of the proposals and the impact upon the amenities of the adjoining property. From the road only the mono pitch side extension would be visible and there is considered to be no impact upon the visual amenities of the surrounding area.

Size and scale of development

Both No's 4 and 8 Crown Lane have rear extensions. It is acknowledged that the proposal represents a large projection into the rear garden and because of the side extension element running continuously into the rear element the east elevation does give the impression of a very large extension. In terms of footprint there would be an overall addition of 46.3 sq m. The rear extension comprising 7.8 metres by 4.6 metres at its widest point. The highest ridge height of the extension will be 1.5 metres lower than the ridge of the existing dwelling. A large proportion of the rear garden is to be retained and it is not considered that the proposals would represent overdevelopment of the site.

Impact upon amenities of the adjoining property

The applicants have sought to reduce the impact of the proposals upon the adjoining property by reducing the overall size and bulk from their initial scheme submitted under application 14/11/0027. The length of the extension has been reduced by 2.2 metres, the eaves have been dropped slightly (200mm) and the roof has been hipped, reducing the length of the ridge to 2 metres. The eastern boundary of the site comprises an existing 6ft solid timber fence. The roof and a small section of wall will be visible from the adjoining property over the existing fence. Although the extension will be visible the impact must be assessed in terms of impact upon amenities, i.e. loss of light and loss of privacy. As a single storey extension with a hipped roof the development will not result in an overbearing impact upon the adjoining property. The rear of the property is south facing so there will be no loss of light to the adjoining property in the day, although the evening sun to part of the rear

garden of the adjoining property may be reduced. There is considered to be no significant loss of light to existing windows in the adjoining property. There will be no loss of privacy to the adjoining property provided the proposed windows on the east elevation are obscure glazed and non-opening.

In summary the impacts upon the adjoining property are not significant enough to warrant refusal, the proposals are not overdevelopment of the site and there is no impact upon the visual amenities of the area. As such the application is recommended for conditional approval with the windows on the east elevation restricted to obscure glazed and non-opening.

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

CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313

10/11/0042

MRS COCKCROFT

ERECTION OF A SIX BEDROOM HOLIDAY CHALET WITH ASSOCIATED EXTERNAL GARDEN, POND AND PARKING AREAS AT PAY PLANTATION, STAPLEY

Grid Reference: 318934.113452

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed development is located in the countryside of the Blackdown Hills Area Of Outstanding Natural Beauty where new development is strictly controlled and there is no need for the proposed new building to be sited in an isolated, unsustainable rural location and the economic benefit is not considered to outweigh the policy objection contrary to policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Taunton Deane Local Plan policies S1(B), S7, EC23 and EN10 and Core Strategy policies CP1, CP6, SP1 and DM2.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

1. You are advised that further wildlife survey work in respect of bats and reptiles will need to be carried out as recommended in your submitted survey and the Authority raise the right to raise this as a material consideration should decide to appeal any decision.

WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended)

2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL

The proposal is the erection of a large modern two storey timber clad structure with a 'green' roof providing 6 bedrooms and sleeping up to 12 people for use solely as holiday accommodation. The bedroom area is a structure 8.5m x 10.5m which is linked by means of a circular stair to the living area (10.5m x 13.5m) with an indoor swimming pool and games area on the ground floor and lounge, dining and kitchen area on the first floor. An external balcony is also proposed to serve the first floor area. The site will be accessed via a track to be upgraded that is approximately 375m in length from the road to the proposed building. A parking and turning area for 8 vehicles is proposed.

A Design & Access Statement, Planning Statement, Economic Report, Wildlife Report and Ecological Management Plan and a Landscape and Visual Assessment Report were submitted with the application.

SITE DESCRIPTION AND HISTORY

The area consists of natural scrub, trees and a marshy area lying to the east and south of footpaths which serve this area of the Blackdown Hills AONB. The site is accessed by an existing track approximately 275m long.

Previous applications at the site have included an application for a holiday chalet and formation of lake submitted in December 2007 (ref. 10/07/0037) which was refused in January 2008 and an application for a holiday chalet at the same location without the lake submitted in January 2009 which was refused in March 2009.

An application for 2 holiday chalets at a separate location within Pay Plantation was approved under different policy considerations in July 2005 (ref. 10/05/0008).

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHURCHSTANTON PARISH COUNCIL - The Parish Council OBJECTS to the granting of permission for the following reasons;

- This is a new build in the countryside conflicting with local and national

policies which look for such tourism proposals to be sited within adjoining towns/villages

- Outside of settlement limits holiday accommodation should be located within existing buildings
- Isolated overdevelopment in the AONB countryside which is not sustainably located and the scale would encourage car use with difficult access
- Economic benefits do not outweigh the principles of sustainable development and local policies in such an isolated area
- If it fails as an enterprise concerns that this could become a permanent building
- Identified material affects on wildlife, woodland, light pollution and conflicts with children using the routes for cycling/walking to school

The Council were so concerned by this proposal that it was unanimously carried 'that we strongly object...'

SCC - TRANSPORT DEVELOPMENT GROUP –

The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the new development is likely to be dependant on private vehicles for most of the staff daily needs, deliveries and customers. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000), and Policy ST3 of District Local Plan.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the tourism use of this proposal or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

I would draw the Planning Officers attention to a recent Appeal Decision 2156678, for a similar proposal whereby there were issues regarding sustainability and access.

It appears that previous consent was given for the provision of two holiday chalets in 2005 (10/05/2005). It would appear that the highway comments at that time, placed a requirement on the provision of a properly consolidated surface, for a distance of 10m from the edge of the highway and provide adequate drainage to prevent surface water from discharging onto the highway to the access directly opposite Stapley Mill. It is apparent from my site visit that this work does not appear to have been undertaken and the Local Planning Authority may wish to investigate this matter further. As these concerns have not been resolved, they will appear as part of this response. However, it should be noted that these works will be outside of the Red Line area of the application. Although it is not clear from the application, it is assumed that vehicular access into the site will be from the aforementioned access (opposite Stapley Mill). The following comments are based upon this assumption.

Visibility from the existing access is reasonable at a low level, and it would appear due the alignment of the verges that a visibility splay has been provided in the past. However, branches from trees and other vegetation overhanging the visibility splay are encroaching and the splays should be maintained to provide visibility, from a point 2m set back into the access and 60m in either direction. The access does not appear to be formed using a properly consolidated surface adjacent to the highway, and does not provide any positive drainage to prevent surface water from discharging onto the highway.

The access track, from the highway to the boundary of the site (the red line) measures approx. 280m, and is currently single lane width. To enter the proposed car parking area, an additional 100m of access track is to be provided as part of the proposal measuring approx. 3.5m in width.

This is considered a substantial length of single track carriageway, which will cause difficulties when two vehicles meet travelling in opposite directions (i.e. with one vehicle reversing a considerable length to allow the vehicles to pass each other). The only passing areas appear to be either a short section of the access track adjacent to the highway, or the car park itself. Concern is expressed, given the length and nature of the proposed access track, that any movements described above would be difficult and result in vehicles waiting either adjacent or on the highway to allow vehicles to pass. It is therefore recommended that passing places be provided along the access track, however it is noted that this is outside of the current Red Line area, although it is within the Blue Line.

It is my understanding that for conditions to be imposed and maintained in perpetuity, that the land relating to the conditions will need to be included within the Red Line.

Should the Planning Authority approve this application, and subject to my assumption regarding the access to the site is correct, I would recommend conditions

ENVIRONMENT AGENCY - No comment received

SCC - RIGHTS OF WAY - No comment received

BLACKDOWN HILLS AONB SERVICE – The Blackdown Hills Area of Outstanding Natural Beauty is primarily a pastoral landscape that has retained a sense of remoteness and consequently the AONB Partnership believes that the introduction of substantial permanent new buildings in isolated locations requires very careful consideration as to necessity and potential impact on the natural beauty of the area. Stapley is a small hamlet in a quiet location accessed by narrow lanes. As long ago as 2004 when the existing two chalets were applied for we commented that further development should be restricted. The creation of access, parking and garden area, with associated paraphernalia for large scale holiday accommodation and the intensification of use would have a detrimental impact on the character of the local area and would be bound to generate car based journeys as visitors would need to travel to access all facilities and services.

As you are aware the AONB Partnership supports its local planning authorities in the implementation of national planning policy and their own development management policy framework in order to conserve and enhance the natural beauty of the area, and I do not consider that the circumstances relating to this proposal have changed since recent refusals for similar.

THE RAMBLERS ASSOCIATION - No comment received

DIVERSIONS ORDER OFFICER - Please note that the Public Footpath T5/6, Parish of Churchstanton runs adjacent to the application site. If planning consents are granted then (i) Health and safety measures must be put in place to safeguard passage for would-be path users and (ii) vehicular access to the site must not unduly affect the surface of the public way.

LANDSCAPE LEAD - My main concerns are that the visual impact assessment has been principally carried out during the summer months with maximum leaf cover. Given the nature of the development the proposed use will be year round, especially Christmas and Easter when there will be no leaf cover. The addition of tree planting, position of the chalet, etc will help reduce the impact but it is unrealistic to think there won't be any visual or landscape impact. With the addition of car parking, outside activities, etc there will be additional impacts. Given the sensitive nature of the site within the AONB I think the proposal as seen from the local footpath will be contrary to EN10.

BIODIVERSITY - The land, triangular in shape, has been colonised by bramble ruderals and scrub. The scrub is denser in the wetter eastern section of the site where the chalet is to be located. To the west of the site the land slopes gently upwards and becomes drier with scattered scrub. A pond on site has become choked with vegetation. The site is accessed by a grass track which will require upgrading if planning permission is granted.

Scrub will need to be removed to accommodate the development but no mature trees will need to be removed.

Acorn Ecology Ltd carried out a wildlife survey report for the site in April 2010 and prepared a 10 year management plan for the site in July 2011. Findings of the survey were as follows

Bats - The surveyor noted that some of the beech trees on banks bordering the site have potential for roosting bats as well as being of use to commuting and foraging bats. The site itself, especially the wet areas, offers foraging potential for bats. She recommended that further surveys are carried out during the summer (May to September) to determine how bats use the site.

I agree that there is potential for providing roosting sites within the new building and on trees on site. Lighting should be sensitively designed.

Dormice - A brief nut search identified the presence of dormouse near the site and

so it is highly likely that dormice will be present in trees surrounding the site.

The scrub at the eastern end of the clearing has limited potential for dormice although this habitat is sub optimal and the likelihood is further reduced as there has been little time for them to colonise the scrub.

Reptiles - The site has potential for reptiles (slow worm, common lizard, grass snake and possibly adder) in the western end of the clearing. I support the recommendation to carry out survey work in the summer months. This does not appear to have been carried out to date. If reptiles are found they will need to be translocated to a receptor site.

Badgers - No badger setts were found within the survey area, probably because the site is too wet for badgers. I support the precautionary approach recommended.

Birds - There is potential for nesting birds on site and so clearance of vegetation should take place outside of the bird nesting season.

In accordance with PPS9 I would like to see wildlife protected and accommodated in this development. I suggest conditions

NATURAL ENGLAND - This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.

Natural England's advice is as follows:

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

The protected species survey has identified that the following European protected species may be affected by this application: Bats, Dormice and Reptiles.

Our standing advice sheets for individual species provide advice to planners on deciding if there is a 'reasonable likelihood' of these species being present. They also provide advice on survey and mitigation requirements.

The standing advice has been designed to enable planning officers to assess protected species surveys and mitigation strategies without needing to consult us on each individual application. The standing advice was issued in February 2011 and we recognise that it will take a little while for planners to become more comfortable with using it and so in the short-term will consider species surveys that affect European protected species against the standing advice ourselves, when asked for support by planners. We have not assessed the survey for badgers, barn owls and breeding birds, water voles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

How we used our standing advice to assess the survey and mitigation strategy :

Bats - We used the flowchart on page 10 of our Standing Advice Species Sheet: Bats beginning at box (i). Working through the flowchart we reached Box (xii). advises the authority that further survey effort is required in accordance with Bat Surveys - good practice guidelines and you should request additional information from the applicant. If it is not provided, then the application should be refused.

Hazel Dormice - We used the flowchart on page 6 of our Standing Advice Species Sheet - Hazel Dormice beginning at box (i). Working through the flowchart we reached Box (iii). advises the authority to accept the findings, consider requesting biodiversity enhancements for dormice (e.g. creation of habitat linkages) in accordance with PPS9 and Section 40 of the NERC Act.

Reptiles - We used the flowchart on page 7 of our Standing Advice Species Sheet - Reptiles beginning at box (i). Working through the flowchart we reached Box (viii). advises the authority that further survey effort is required in accordance with good practice guidelines and you should request additional information from the applicant. If it is not provided, then the application should be refused.

This advice is given to help the planning authority determine this planning application. On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Dormice and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications. We have however produced guidance on the high-level principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.

SOMERSET ENVIRONMENTAL RECORDS CENTRE (SERC) - No comment received

ECONOMIC DEVELOPMENT - On the basis that this will create employment in a rural area and support the rural economy I am happy to support the application.

STRATEGY AND COMMUNICATIONS - The proposed 'lodge' lies within the open countryside, approximately 3.5km from Churchinford, the nearest defined settlement in the adopted Local Plan and submitted (Reg 30) Core Strategy. I am not aware of a bus route serving Stapley and there is a very limited public transport service to Churchinford . Churchinford itself has very limited service provision (pub and limited hours shop). Hemyock (Devon) offers a slightly larger range of services but is

further distant (around 5km).

The application form states the proposed lodge is 480 sq.m. and provision is made for 8 car parking spaces. It also includes an indoor swimming pool. Two applications have been refused in the recent past for additional holiday lodges in this immediate location (10/07/0037 and 10/09/0003), reasons include location in the countryside, no justification for such a development in such an isolated location, insufficient economic benefits to the local economy, affect on environmental quality and landscape character of the AONB and the proposal would not constitute sustainable development.

The Planning Statement refers to a number of local and national policies, including EC24 of the Local Plan which is not a 'saved policy'. PPS7 (para 37) for example states that most tourist accommodation requiring new build should be located within or adjoining towns and villages. Of local relevance is policy DM2 of the published Core Strategy. For reasons such as sustainability and protection of the countryside, outside of settlement limits holiday accommodation should be located within existing buildings where there is an identified need and supports diversification of existing farming and service enterprises.

In line with national policy, the Council recognises and supports tourism as an important element of the Boroughs economy. However, this proposal constitutes new build, isolated development in the countryside, it is not sustainably located and the scale will encourage car use. Occupancy rates over the period 2008-2010 are not excessive (48%) and as was the case with earlier applications, I am not convinced that the economic benefits would outweigh the principles of sustainable development and local policies. Moreover, as a result of the investment required (£250K, which seems low for a building of this scale and swimming pool etc) an additional concern is that if lettings do not recoup outlay the Council will be faced with proposals to turn what is in effect a permanent building, into a class C3 dwelling house, as pressure has been put on the Council elsewhere in the Borough in similar circumstances.

I consider that the application is contrary to PPS1, PPS7, PPG13, Local Plan policies S1, S7, EC23, Core Strategy policies CP1, CP6, SP1, DM1b, DM2

Representations

7 letters of support on grounds that:

- it will support local business,
- it will not be overbearing in the area,
- easy car access to services,
- adds to the tourist offer in the district and aid in sustainable tourism.
- it is considered to meet Local Plan policy EC23, Draft RSS policy TO1 and Core Strategy policy DM2.

A further 19 letters of support submitted with the application from businesses in the area.

15 letters of objection on grounds of:

- impact on AONB woodland with large modern building not in keeping with its surroundings;
- traffic infrastructure limited and will lead to more traffic for local residents;
- Stapley not a suitable location for traffic generated by large numbers of visitors;
- impact on and displacement of wildlife with a detrimental effect on protected species and other wildlife in the wood;
- risk of damage to woodland as there has been a fire in the past;
- impact on character of woodland track;
- the potential population influx to the complex would be excessive compared to Stapley;
- impact of stag or hen parties detract from enjoyment of landscape and have an adverse effect on tourism;
- impact on views of walkers;
- loss of rustic view;
- overdevelopment of this type of accommodation in the area
- scale of development (6 bed house with swimming pool and games room) out of character with other houses and character of Stapley;
- will cause noise and light pollution;
- noise from partygoers late at night already affect local residents;
- it is not near a public road and will generate a significant amount of traffic as there is no public transport serving the village;
- not in classified settlement and falls contrary to Local Plan policies S1, S7, EC7, EC21, EC23 and EN10;
- policy EC24 is not a saved policy and is irrelevant;
- will set a precedent for other chalet development in the area in the future;
- existing occupancy rate is only 48%, so insufficient demand to fill existing cabins and no justification for further development and may not be viable;
- impact of permanent building in the woodland and potential impact on trees;
- proposed lake a potential pollution hazard;
- pollution issues with the swimming pool when it needs emptying and the septic tank;
- design lacks a children's play area, operational storage refuse and recycling and a boiler plant room.
- little benefit to local business;
- much of Stags report based on unsubstantiated claims;
- existing chalets users seldom shop locally, tend to bring their own drink and do not benefit the local community and a property with a pool and games room is encouraging people to stay in not go out;
- increased risk of accidents with drivers unfamiliar with narrow lanes;
- potential impact on emergency services;
- will not reduce need to travel so contrary to CP1 of Core Strategy;
- it does not support viability of Stapley, car trips would be required to get to Churchinford and development could be sited anywhere outside a village in many areas of Taunton Deane.
- construction would be disruptive and does not utilise sustainable or local materials;
- previous policy refusal reasons apply;

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,

PPS 1 SUPP - Planning and Climate Change,
PPS4 - Planning for Sustainable Economic Growth,
PPS7 - Sustainable Development in Rural Areas,
PPS9 - Biodiversity and Geological Conservation,
PPG13 - Transport,
PPS25 - Development and Flood Risk,
GPGT - Good Practice Guide on Planning for Tourism,
RSSDR - Regional Spatial Strategy for the SW, Draft July 2006,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,
S&ENPP23 - S&ENP - Tourism Development in the Countryside,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EC7 - TDBCLP - Rural Employment Proposals,
EC23 - TDBCLP - Tourist Accommodation,
M4 - TDBCLP - Residential Parking Provision,
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
EN12 - TDBCLP - Landscape Character Areas,
EN28 - TDBCLP - Development and Flood Risk,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

DETERMINING ISSUES AND CONSIDERATIONS

There are a number of considerations with this proposal including compliance with various policies, impact on the landscape and character of the area, wildlife impact, sustainability, the need, viability and economic benefits of the proposal. The main issue is the principle of the proposed holiday accommodation being sited in a remote rural location in the sensitive and protected landscape of the AONB.

Policy

The site is located in the countryside where new development is will be strictly controlled and policy STR6 of the Joint Structure Plan Review and S7 of the Local Plan are relevant. STR6 requires development to be restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. It is not considered that the development would enhance or maintain the rural character of this part of the AONB which is a highly protected landscape under PPS7. While the building is designed not to be seen through the tree planting the access modifications are likely to be noticeable and the new build structure would result in the need for lighting that would impact on the landscape. The development would be reliant on vehicles to access the site and go anywhere to reach any local services, given the remote location and so it would foster the need to travel and these two issues and not considered to be outweighed

by the possible economic benefits identified by the applicant.

Policy S7 of the Local Plan states new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and

- Is for the purposes of agriculture or forestry
- Accords with a specific development plan policy or proposal
- Is necessary to meet a requirement of environmental or other legislation
- Supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

New structures or buildings which are permitted should be compatible with a rural location and avoid breaking the skyline, make maximum use of existing screening, relate well to existing buildings and use colours and materials which harmonise with the landscape.

This proposal is not required for agriculture or forestry or for any other specific or environmental reason and it is not considered that the proposal will significantly contribute to the economy of Stapley as there are no facilities and services in this very small hamlet. It is not considered that the potential associated benefits to other rural businesses is sufficient to overcome normal countryside policies. It fails to meet other criteria of this policy as it does not relate to any other building and is considered contrary to Policies S1 and S7 of the Taunton Deane Local Plan (TDLP).

The site is also within the Blackdown Hills AONB where Policy EN10 of TDLP states that priority will be given to preserving and enhancing the natural beauty. This is in line with PPS7 which states that the conservation of the natural beauty of the landscape and the countryside should be given great weight. The section on Tourist accommodation states that the Government expects most tourist accommodation requiring new buildings to be located in, or adjacent to existing towns and villages. Development which would adversely affect the landscape, character and appearance of the AONB's will not be permitted. The development would not meet a proven national need and there is no specific need for the chalet and lake to be located on this site. The proposed building would be free standing on a cleared area of woodland, outside the small hamlet of Stapley in an isolated rural area and unrelated to any other building. It does not relate to the 2 other chalets which are some 300 metres away. It is considered that this large 6-bedroom timber building together with its associated parking area/access would not preserve or enhance the natural beauty of this remote area. While the building materials and landscaping is designed to screen the building from view it is still a large structure (480sqm) with glazing and associated parking that will need lighting. The access alterations will also have a potential impact and the fact that a new build structure is located in a position that can't be seen is not an argument in itself for new development in the countryside as it could be repeated elsewhere to the detriment of locational policy. The proposal is therefore considered contrary to Policy EN10 of the TDLP as it does not preserve and enhance the natural beauty of the AONB.

There are no tourism policies which support proposals for chalets in the countryside as Policy EC24 is not a "saved" policy. Notwithstanding this, given the size, construction and facilities to be provided, it is not considered that the building could be considered to be a chalet for the purposes of EC24 as it is clearly a permanent building. Policy EC21 relates to Tourism and Recreational Attractions, not

accommodation, and requires these to be within settlements. Policy EC23 of the TDLP does relate to tourist accommodation, however this requires it to be within a classified settlement, not to harm the landscape and to be accessible by public transport, cycling and on foot. The proposal is considered to be contrary to this policy.

Wildlife

The applicant has submitted an ecological survey dated 2010 and a Management Plan dated July 2011. The survey identified the potential for a number of species to use the site and included a recommendation that further survey work is carried out in relation to both reptiles and bats. The survey work is agreed with by the Council's Nature Conservation Officer who recommends conditions to ensure both further survey work and adequate mitigation works are carried out to benefit the area in wildlife terms.

Natural England's response advises under their standing advice that further survey work should be carried out for bats and reptiles and the application should be refused without it. However the Nature Conservation Officer considers that if such survey work were to be carried out it would not prevent appropriate mitigation being provided which could be conditioned. The proposed works would not affect European protected bat species directly with loss of roosts so a licence would not be required and reptiles are not a European protected species and they could be protected by condition. The Habitats Directive would not therefore apply in terms of bats and reptiles. In terms of Dormice it is considered that the favourable conservation status of the species would not be affected and the development would not be contrary to the Habitats Directive. Also if the application is otherwise unacceptable it would be unreasonable to request that further survey work now, although it would be a material consideration for an Inspector should the application be refused and it went to appeal. It is therefore considered that should the application be refused a note be added to address the need for future survey work being a material consideration.

Economic Benefits

The application included a report by Stags into the assessment of potential demand and contribution to the local economy. This identifies that the marketing of the lodge as per existing lodges are aimed at the quality end of the market which is perceived to be under supplied. The letting agent confirms that they are unable to fulfil demand for the type of booking. It is claimed that there is a need for the development proposed and that the potential occupants are likely to spend over £63,000 per year. The business is identified as one that would be viable and give a projected profit of £44,000 representing a return on capital invested of 17.6%.

The occupancy rate figures for the existing chalets, however is only 48%, although the annual weekend occupancy increases to 75% and it is clear therefore that the occupancy of the existing business has not reached its full potential.

The section on the local economy extrapolates previous analysis for the existing lodges and takes into account additional facilities to be provided to calculate the number of person days likely to result. Figures are then projected on the basis of spend per day from a "Value of Tourism 2008 Report" commissioned by South West

Tourism. The report uses these figures to assume expenditure is higher in self-catering accommodation and identifies a potential benefit to the local economy of £50 per day for weekend guests as opposed to £31 per day for weekly guests. This leads to a conclusion that, excluding accommodation costs, the expenditure by guests would be approximately £84,000 per year.

The above figures are however estimates and are extrapolated and not based on current evidence. Clearly there will be a benefit of spend to the local economy, however the scale of that is difficult to quantify and the question still remains as to whether the perceived economic benefit outweighs the policy consideration in relation to the unsustainable location

Sustainability

The site of the proposed 'lodge' lies within the open countryside, approximately 3.5km from Churchinford, the nearest defined settlement in the adopted Local Plan. This rural location is within the Blackdown Hills AONB and is not on a public transport route. Not only will all prospective occupants need to travel to the site by vehicle but the servicing of the site by the businesses who have written in support will also need to access the site by car and this includes business as far away as Cullompton and Bristol.

The Government's Best Practice Guide for Tourism states that sustainable development is the core principle underpinning planning and one of the outcomes identified for development is the reduction in the need to travel. This is reflected in policy STR6 of the Joint Structure Plan Review, policy S1(B) of the Taunton Deane Local Plan and policies CP1a, CP6, SP1 and DM2 of the Taunton Deane Core Strategy. The proposal is in a remote rural location not close to a public road or services and would be totally reliant on private vehicles to operate. A recent appeal decision for a holiday chalet at Brimley Plantation, Croford Wiveliscombe was dismissed on sustainability grounds and it is considered that the current proposal is in a similarly remote location.

Summary

In conclusion while there is a general encouragement for holiday facilities and accommodation, these should be located in sustainable locations, within settlements and not within sensitive landscapes where priority should be given to protecting the environment which attracts visitors. It is not considered that the economic benefits here outweigh the unsustainable nature of the location or the impact of a permanent dwelling within the AONB.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

Taunton Deane Borough Council

Planning Committee – 11 JANUARY 2012

E/0101/38/11 and E/0102/38/11

Planning refs 38/11/0181A, 38/11/0183 & 38/11/0184LB

DISPLAY OF ILLUMINATED FASCIA SIGN AND PROJECTION SIGN AND ALTERATIONS TO INSTALL SHOPFRONT AT CEX LTD, 21 EAST STREET, TAUNTON

OCCUPIER: JT RETAIL ENTERTAINMENTS LTD, 34 THE BOULEVARD,
WESTON SUPER MARE, BS23 1NF

OWNER: DAVIES HOLDINGS (SOMERTON) LTD, OLD KELWAYS,
SOMERTON ROAD, LANGPORT. TA10 9SJ

PURPOSE OF REPORT

To consider whether it is expedient to take prosecution and enforcement action following unauthorised works to a listed building and the display of unauthorised advertisements.

RECOMMENDATION

Committee to authorise prosecution and enforcement action subject to satisfactory evidence being obtained.

SITE DESCRIPTION

The building is a grade II Listed Building that is located within the town centre. The building is used as a retail shop.

BACKGROUND

The new shop front and illuminated sign was first brought to the Council's noticed on 15th April 2011. The owners were contacted and advised that an application should be submitted in an attempt to regularise the situation. An advertisement consent application for the retention of the illuminated sign was received on 15th May 2011 and subsequently refused on 24th June 2011. The Planning application and Listed Building application for the new shopfront has never been validated as it lacked national mandatory requirements and therefore remains unauthorised.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The internally illuminated signs and shopfront have been installed without the appropriate planning permission, listed building consent and advertisement consent.

RELEVANT PLANNING HISTORY

38/11/0017A – Display of illuminated fascia and projecting sign at 21 East Street Taunton (Retention of works already displayed) The application was refused on 8th February 2011 and the signs have remained on the building unauthorised.

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990
PPS5 – Planning for the Historic Environment
PPG 18 -Enforcing Planning Control
PPG19 – Advertisement Control

Somerset & Exmoor National Park Joint Structure Plan Review

Policy 9 – The Built Historic Environment

Taunton Deane Local Plan 2004

EC26 – Outdoor Advertisements

DETERMINING ISSUES AND CONSIDERATIONS

The works carried out without the appropriate consents are the display of internally illuminated fascia and projecting signs and the installation of a new shopfront. The signs are considered to appear visually obtrusive, by reason of the design, materials and illumination, and out of keeping with the character of the listed building. The shop front works are not of a design and materials in keeping with the character of the listed building and are also considered to detract from its character contrary to government guidance and policies in the Development Plan quoted above.

The works have been carried out without the appropriate consents and unauthorised works to a listed building and display of unauthorised advertisements are criminal offences. There is no mitigating evidence and the recommendation for prosecution and enforcement action is supported.

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

Tel: 01823 356466

Taunton Deane Borough Council

Planning Committee - JANUARY 2012

E/0123/47/11

BREACH AND ADDRESS

**LARGE GATE ERECTED ACROSS FIELD ENTRANCE ADJOINING
COPESE HILL CHURCH LANE, WEST HATCH, TAUNTON**

OCCUPIER: MR AND MRS A MOSS

**OWNER: MRS L MOSS
COPESE HILL, CHURCH LANE, WEST HATCH, TAUNTON
TA3 5RL**

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the reduction in height to 1m or removal of the gate and gate piers sited on the land adjacent to the highway.

RECOMMENDATION

Committee to authorise an Enforcement Notice be served and to take Prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with.

SITE DESCRIPTION

Copse Hill is a bungalow in a countryside location, set amongst a scattering of dwellings on Church Lane to the west of West Hatch. The gate and piers are on land to the west of Copse Hill. They are at the head of a track leading to a field. The gates are of a modern design and are not in keeping with this countryside setting.

BACKGROUND

The development was first brought to the Council's attention on 9th May 2011. A site visit was made on 26th May where photographs were taken of the set of piers and gates. It was noticed that another pier was in the process of being constructed to the right of the gates where an existing field gate was seen behind the pier. A letter was sent to the owner on 2nd June 2011 requesting that an application be submitted as the gates and piers were over 1m high.

adjacent to the highway. A letter was received from the owner together with a sketch indicating the gates and the various parcels of land and their use. The letter was requesting a pre application site visit. Due to the incorrect fee being included the pre application request has not been progressed. A further letter was sent on 13th October 2011 requesting that an application be submitted.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The piers and gates, although sited a little way back from the highway are still considered to be adjacent. The gates are approx 2.0m high and the piers slightly lower. Under Part 2 Minor Operations Class A of the Town and Country Planning (General Permitted Development) Order 1995 permission is required when a gate, wall, fence or other means of enclosure is over 1m in height where it is constructed adjacent to a highway.

RELEVANT PLANNING HISTORY

Temporary Planning permission has been granted for a shed on adjoining land and permission for the construction of a double garage has been implemented.

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

PPG 18 -Enforcing Planning Control

Taunton Deane Local Plan 2004

S1 (General Requirements)

S2 (Design)

S7 (Outside Settlement)

DETERMINING ISSUES AND CONSIDERATIONS

The issue is the impact on the rural character of the area. The gates piers are tall and bulky and finished in render and appear incongruous in this rural location while the gates are treated timber and again appear out of keeping with the rural character of the area. The works are considered to be contrary to Local Plan policies S1(D), S2(A) and S7 and are considered so detrimental to the character of the area to warrant action to be taken.

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

Tel: 01823 356466

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 11 January 2012

Proposal	Start Date	Application/Enforcement Number
ERECTION OF SINGLE STOREY EXTENSION TO THE REAR, ALTERATIONS TO PORCH AND EXTENSION AT THE FRONT AND REPLACEMENT OF CONSERVATORY WITH SINGLE STOREY EXTENSION AT 41 WELLINGTON ROAD, TAUNTON	14 DECEMBER 2011	38/11/0522

APPEAL DECISION FOR COMMITTEE AGENDA – 11 JANUARY 2012

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/X/11/2153772	APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE CHANGE OF USE OF AGRICULTURAL LAND FOR THE STORAGE OF BUILDING MATERIALS AT LAND NEAR WESTLAND HOUSE, TAINFIELD PARK, KINGSTON ST MARY	Taken together, the evidence submitted by the applicant, and letters and statutory declarations received from third parties it is considered that, on the balance of probability insufficient evidence has been submitted to support the continuous use of the land for a period of 10 years pre-dating the application for use of the Land for the storage of building materials.	20/11/0002LE	The Inspector concluded, having regard to all matters raised, that a material change of use of the appeal site to use for the storage of building materials did not take place before 12 January 2001, and that the use of the site for the storage of building materials is not immune from enforcement. Consequently, the appeal failed and was DISMISSED.
APP/D3315/C/11/2159421 AND APP/D3315/A/11/2158082	VARIATION OF CONDITION 1 PERTAINING TO THE SCHEDULE OF APPROVED DRAWINGS TO APPLICATION 05/11/0016 FOR 7 HOUSE PLOTS ON PHASE 1, MINOR CHANGES TO MATERIALS, AT LAND WEST OF BISHOPS	The proposed design changes by reason of the half timbered design and tile hanging are considered out of character with the area and do not add to local distinctiveness and are considered contrary to policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review,	05/11/0026	The Inspector felt it was important that new housing within the estate should reflect local distinctiveness and harmonise with existing residential development at Bishops Hull. He concluded that the use of tile hanging and half timbered/herringbone finishes within Phase 1 would result in material harm to the character and appearance of the area. Having given consideration to all the evidence he DISMISSED the

	<p>HULL ROAD, BISHOPS HULL</p> <p>WORK COMMENCED ON NEW RESIDENTIAL DEVELOPMENT IN BREACH OF CONDITION</p>	<p>policy S2(A) of the Taunton Deane Local Plan and advice within the Taunton Deane Design Guide.</p>	<p>E/0383/05/10</p>	<p>appeal, upheld the enforcement notice and refused to grant planning permission on the application deemed to have been made under section 177(5) of the Act for the erection of a dwelling on Plot 1 and the erection of a dwelling on Plot 3 on land west of Bishops Hull Road, Bishops Hull other than in accordance with plans approved pursuant to planning permission ref 05/11/0016.</p>
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TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park

Planning Committee – 11 January 2012

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, C Hill, Mrs Hill,
Horsley, Morrell, Mrs Reed, Mrs Smith, Watson, Ms Webber and
A Wedderkopp

Officers:- Tim Burton (Growth and Development Manager), Bryn Kitching
(Development Management Lead), Matthew Bale (West Area
Co-ordinator), Gareth Clifford (East Area Co-ordinator), Judith Jackson
(Legal Services Manager) and Maria Casey (Planning and Litigation
Solicitor)

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

(The meeting commenced at 5.00 pm)

1. Apologies/Substitution

Apologies: Councillors Miss James, Mrs Messenger and Wren
Substitution: Councillor Horsley for Councillor Miss James
Councillor Ms Webber for Councillor Wren

2. Minutes

The minutes of the meetings of the Planning Committee held on 9 November,
30 November, 1 December and 14 December 2011 were taken as read and were
signed.

3. Declarations of Interest

Councillors A Govier declared personal interests as a Member of Somerset County
Council and as a user of the Mount Veterinary Hospital in Wellington. Councillors
Mrs Hill and Mrs Smith declared personal interests as employees of Somerset
County Council. Councillor Mrs Reed declared a personal interest as her daughter
worked as an administrator in Development Control. Councillors Mrs Allgrove and
Bishop declared personal interests as members of the Somerset Waterways Trust.
Councillor Bishop also declared a personal interest as a user of the Mount
Veterinary Hospital in Wellington. Councillors Bowrah, Govier and Mrs Reed all
declared that they had attended a Town Council meeting where agenda item 6 (the
Mount Veterinary Hospital) had been discussed. However, none of the Councillors
considered that they had fettered their discretion.

4. Applications for Planning Permission

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

(1) That **the detailed plans be approved** for the under-mentioned

development:-

38/11/0596

Application for the approval of reserved matters following applications 38/99/0394 and 38/06/0135 for the erection of 204 No. 2, 3 and 4 bedroom dwellings with associated infrastructure and external works, Areas A, B, C and D, Firepool Lock, Taunton

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans listed in Issue sheets 80130-JO Sheet No. P(0)_01 Rev A and 80130-JO Sheet No. P(0)_02 Rev A received on 20th December 2011;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (c) No dwelling shall be occupied until the building hereby permitted is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the building and existing highway.

Reason for approving the detailed plans:-

The development represented a sustainable use of brown field land for residential purposes of design, layout and scale considered appropriate to the nature of the site and in accordance with development plan policies. The application comprised details pursuant to an outline consent for development and was considered to constitute an acceptable form of development in accordance with the requirements of Planning Policy Statement 3 and Policies S1, S2 and T3 of the Taunton Deane Local Plan.

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

14/11/0044

Erection of single storey extension to the side and rear at 10 Crown Lane, Creech Heathfield

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) DrNo 04 Existing Elevations;
 - (A3) DrNo 07 Rev C Proposed Ground Floor and First Floor Plans;
 - (A3) DrNo 06 Rev C Proposed Elevations;
 - (A3) DrNo 05 Existing Ground Floor and First Floor Plans;

- (A4) DrNo 03A Proposed Block Plan Amended 11/01/12;
- (A4) DrNo 02 Block Plan; and
- (A4) DrNo 01 Location Plan;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the windows to be installed in the east elevation of the extension shall be obscure glazed and non-opening. The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason for granting planning permission:-

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

14/11/0048

Erection of detached combined covered car port/bin store/bike store and garages to serve Numbers 1 and 2 St Michael Cottages, Vicarage Lane, Creech St Michael

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
 - (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A4) Location Plan;
 - (A4) DrNo 1199/P01 Site Plan;
 - (A4) DrNo 1199/P02 Proposed Garage and Site Sections;
 - (A4) DrNo 1199/P03 Proposed Garage Plan;
 - (A4) DrNo 1199/P04 Proposed Roof Plan;
 - (A4) DrNo 1199/P05 Proposed SW Elevation;
 - (A4) DrNo 1199/P03 Rev A Proposed Garage Plan;
 - (A4) DrNo 1199/P07 Rev A Proposed Northeast Elevation;
 - (A4) DrNo 1199/P06 Rev A Proposed Southeast/Northwest Elevation; and
 - (A4) DrNos 1199/P03A, P06A AND P07A;
 - (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the garage element hereby permitted shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation;
 - (d) The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
- (Note to applicant:- Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, applicant was advised that care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including

the foundations and roof overhang or any guttering will encroach on, under or over the adjoining property.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design). The manoeuvring space was less than that normally sought, however the space was sufficient for smaller cars and should not have any detrimental impact on the neighbouring highway, in accordance with Taunton Deane Local Plan Policies S1 and M4.

43/11/0098

Relocation of the Mount Veterinary Hospital to include the erection of a two storey building with large animal procedure room, creation of new vehicle access, paddock and associated car parking with diversion of footpath at land to the south of Taunton Road, Wellington

Conditions

- (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:-
 - (A1) DrNo SPP.1583.6 Vegetation Appraisal;
 - (A1) DrNo R10036-SX Topographical Survey;
 - (A1) DrNo SPP.1583.5D Landscape Masterplan;
 - (A1) DrNo 2233/FP05 Site Plan;
 - (A1) DrNo 2233/FP 03C Elevations;
 - (A1) DrNo 2233/FP 02 C Ground and First Floor Plans; and
 - (A4) DrNo FMW0479/GA01 rev D Preliminary site access arrangement;
- (c) Prior to any other development occurring on site, the new junction detailed on drawing FMW0497/GA01 rev D shall be fully implemented in accordance with the details hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the building hereby permitted coming into use and shall thereafter be maintained as such;
- (e) 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 Ambios Ecology's submitted report, dated September 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;

- (f) (i) The landscaping/planting scheme shown on drawing SPP.1383.5D 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;
- (g) The development shall not be commenced until an updated travel plan based on the travel plan submitted with the application has been submitted to, and approved in writing by, the Local Planning Authority; such travel plan to include a list of elements to promote sustainable travel including revised plans and specifications for cycle and motorcycle parking together with a timetable for the implementation of each such element. No part of the development shall be occupied prior to implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein. The Approved Travel Plan shall continue to be implemented as long as any part of the development is occupied.

(Note to applicant:- Applicant was advised that the Local Highway Authority require a Section 278 Agreement for works to the public highway.)

Reason for granting planning permission:-

The proposed development would allow an existing business and significant employer in Wellington to relocate to premises that allowed the business to continue to develop further. As such, there were significant economic benefits to the town in allowing the proposal to proceed, and this was considered to outweigh the impact on the proposed green wedge and landscape approach to Wellington. The impact upon highway safety, ecology and neighbouring residents was considered to be acceptable and accordingly, the proposal was considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design) and EN3 (Local wildlife and geological sites) of the Taunton Deane Local Plan; Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review; and advice contained in Planning Policy Statement 9 (Biodiversity and Ecological Conservation).

44/11/0020

Change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space at Beacon Lane Farm, Wellington (amended scheme to 44/11/0011)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) DrNo 201/G3 Elevations as Proposed Sheet 2;
 - (A3) DrNo 201/G2A Elevations as Proposed Sheet 1;
 - (A3) DrNo 201/G4A Courtyard Elevations as Proposed;
 - (A3) DrNo 201/G1B Floor Plans as Proposed;
 - (A3) DrNo 201/S3 Elevations as Existing;
 - (A3) DrNo 201/S2 Elevations as Existing sheet 1;
 - (A3) DrNo 201/S1 Ground Floor Plans as Existing;
 - (A3) DrNo 201/L3 Highways Plans;
 - (A3) DrNo 201/L1B Site Layout and Location Plans;
 - (A4) Block Plan;
 - (A4) Site Location Plan Dr No 201/L2; and
 - (A4) DrNo 201/SK2 Sketch Hedge Sections;
- (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;
- (d) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
- (e) The velux rooflights hereby permitted shall be flush fitting and of a conservation style only;
- (f) The residential floor space hereby permitted shall not be occupied until the associated business floor space to be used for the dog breeding centre has first been brought into use;
- (g) The occupation of the residential floor space identified as Range A on drawing 201/G1B shall be limited to a person solely or mainly working within the buildings identified as Range B and Range C on drawing 201/G1B at Beacon Lane Farm and to any resident dependants;
- (h) (i) Prior to its implementation, 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;
- (i) Prior to the use of any building hereby permitted first commencing, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by,

- the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (j) No part of the development hereby permitted shall be brought into use 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 and gates to be erected. The agreed boundary treatment shall be completed before any of the buildings are first occupied and thereafter be maintained as such;
- (k) The section of hedge to be translocated adjacent to Foxmoor Road shall be carried out in accordance with details on plan 201/SK2 and the Hedgerow Translocation Method Statement dated 19 December 2011. Following implementation of this permission, the hedge shall be moved within the first available planting season and once moved, the maintenance of this hedge and infilling with appropriate planting shall be carried out and maintained for a period of five years in accordance with the approved plans and method statement;
- (l) 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 David F Wills' submitted report, dated December 2010 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 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 nesting birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat enhancements and owl box and related accesses have been fully implemented;
- (m) 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), the building shall not be extended or any addition made to it in any way (including dormer windows) unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (n) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no building, structure, enclosure, gate, fence wall or other means of enclosure shall be erected, constructed or placed on the site unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (o) There shall be no obstruction to visibility greater in height than 900mm above the adjoining road level forward of a line drawn 2.4 m back of the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 120 m to the east. Said visibility shall be fully provided prior to the use of any building hereby permitted first commencing.

(Notes to applicant:- (1) 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; (2) Applicant was advised that if the translocation of the hedge adjacent to Foxmoor Road is not undertaken prior to March 2012, you will need to satisfy yourself, through additional protected species survey work, that no species protected under UK or European Law are present within the hedgerow. If any protected species are subsequently found to be present within the affected hedgerow then you are advised to contact Natural England for further advice; (3) Applicant was advised that new water supply connections will be required from Wessex Water to serve this development. As from 1 October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from Wessex Water; (4) Applicant was advised that the Environment Agency should be consulted about a licence for the installation of the sewage treatment plant; (5) Applicant was advised that changes to the surface of Public Right of Way (PROW) WG13/23 will be made as a result of the proposed development. Authorisation for these works must be obtained from Somerset County Council's Rights of Way Group. If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use or create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided.)

Reason for granting planning permission:-

The proposed development would bring this group of former agricultural buildings back into an economic use within a rural location, which was supported by local plan policies and therefore the proposed dog breeding centre with ancillary residential accommodation was considered to be an appropriate re-use for the historic buildings at Beacon Lane Farm. The proposals would not harm visual or residential amenity and it was considered that any nuisance arising from the proposed use would be appropriately contained within the enclosed kennel buildings whilst the character and appearance of the surrounding landscape and Area of Outstanding Natural Beauty would be maintained. The proposed development was therefore considered to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EC6 (Conversion of Rural Buildings), EN10 Areas of Outstanding natural Beauty, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained within Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), 4 (Delivering Sustainable Economic Growth), 5 (Planning for the Historic Environment) and 7 (Sustainable Development in Rural Areas).

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

10/11/0042

Erection of a six bedroom holiday chalet with associated external garden, pond and parking areas at Pay Plantation, Stapley

Reasons

The proposed development is located in the countryside of the Blackdown Hills Area Of Outstanding Natural Beauty where new development is strictly controlled and there is no need for the proposed new building to be sited in an isolated, unsustainable rural location and the economic benefit is not considered to outweigh the policy objection contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Taunton Deane Local Plan Policies S1(B), S7, EC23 and EN10 and Core Strategy Policies CP1, CP6, SP1 and DM2.

(Note to applicant:- Applicant was advised that further wildlife survey work in respect of bats and reptiles will need to be carried out as recommended in your submitted survey and the Local Planning Authority retain the right to raise this as a material consideration should you decide to appeal any decision. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places. Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.)

(4) That **the following application be deferred:-**

38/11/0595

Application for the approval of reserved matters following applications 38/99/0394 and 38/06/0135 for the erection of 36 No. 2 bedroom apartments with associated infrastructure and external works, Area J, Firepool Lock, Taunton

Reason – For further negotiations on the design of the apartments.

5. Unauthorised display of illuminated fascia sign and projection sign and alterations to install shopfront at CEX Ltd, 21 East Street, Taunton

Reported that it had come to the Council's attention that a new shop front and an illuminated sign had been installed at premises at 21 East Street, Taunton without the necessary planning, listed building and advertisement consents being obtained.

The owners of the property had been contacted and applications had been submitted in an attempt to regularise the situation.

Noted that advertisement consent had been refused on 24 June 2011. The planning and listed building applications for the new shop front had not, up to now, been validated as both were incomplete, lacking national mandatory information.

Resolved that:-

- (1) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action against the owners of 21 East Street, Taunton in respect of the unauthorised works carried out to a listed building and the unauthorised display of advertisements;
- (2) Enforcement action be taken seeking the removal of the unauthorised shop front that had been installed at the premises;
- (3) The Solicitor to the Council be further authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- (4) The time period for compliance with the enforcement notice be six months.

6. Large gate erected across field entrance adjoining Copse Hill, Church Lane, West Hatch

Reported that it come to the Council's attention that a gate and gate piers over 1m in height had been erected without planning permission on land adjacent to the highway at Copse Hill, Church Lane, West Hatch.

The owners of the land had been contacted but, to date, an application for planning permission to regularise the situation had not been received.

Resolved that:-

- (1) Enforcement action be taken seeking either the removal of the unauthorised gate and gate piers that had been erected on land adjoining the highway at Copse Hill, Church Lane, West Hatch or their reduction in height to 1m;
- (2) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- (3) The time period for compliance with the enforcement notice be six months.

7. Appeals

Reported that one appeal had been lodged and two appeal decisions received, details of which were submitted.

(The meeting ended at 8.25 p.m.)