

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 28 November 2012 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 5 September and 17 October 2012 (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 14/12/0028 Change of use and conversion of agricultural barn to form a residential dwelling at Bedruthan, Bull Street, Creech St Michael
- 6 38/12/0391 Erection of a single storey extension to the front elevation of 77 Lyngford Road, Taunton
- 7 38/12/0398 Erection of dwelling with associated garage and parking provisions within the garden of Hawksworth House and land to the north at 1 Holway Avenue, Taunton
- 8 Proposed withdrawal of an Enforcement Notice served in respect of plots 1-3 on land to the west of Bishop's Hull Road, Taunton. Report of the Legal Services Manager ( Miscellaneous Item)
- 9 E/0106/44/12 Dog breeding business allegedly not in accordance with planning permission at Beacon Lane Farm, Wellington

Tonya Meers  
Legal and Democratic Services Manager

04 March 2013

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 the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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## **Planning Committee Members:-**

Councillor B Nottrodt (Chairman)  
Councillor S Coles (Vice-Chairman)  
Councillor J Allgrove  
Councillor C Bishop  
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 F Smith  
Councillor P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

## Planning Committee – 5 September 2012

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

Officers: - Mr Bryn Kitching (Development Management Lead), Mrs Judith  
Jackson (Legal Services Manager), Mr Matthew Bale (West Area Co-  
ordinator), and Mrs Tracey Meadows (Corporate Support Officer)

(The meeting commenced at 5.00 pm)

### 106. Apologies/Substitutions

Apologies: Councillors C Hill, Mrs Messenger, Watson, D Wedderkopp and  
Wren

Substitutions: Councillor Horsley for Councillor D Wedderkopp and  
Councillor Mrs J Reed for Councillor Watson

### 107. Declarations of Interest

Councillor A Govier declared a personal interest as a Member of Somerset  
County Council. Councillor Nottrodt declared a personal interest as a Director  
of Southwest One. Councillors Mrs Hill and Mrs Smith declared personal  
interests as employees of Somerset County Council. Councillor Tooze  
declared a personal interest as an employee of UK Hydrographic Office. All  
Members declared that they had received numerous emails and phone calls  
regarding application no 42/12/0013 Amberd Lane, Trull. However they did  
not feel that they fettered their discretion.

### 108. Applications for Planning Permission

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

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

**06/12/0034**

**Erection of 34,320 ground mounted solar photovoltaic panels generating  
up to 8.24mw of energy at Halse Farm, Halse**

#### 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.
  - (A1) DrNo HAL1-LP02-120503-01 Location Plan
  - (A1) DrNo HAL1-MP02-120813-r08 Modules Layout Plan
  - (A1) DrNo HAL1-ECO01-120813-r00 Landscape and Ecological Management Plan
  - (A1) DrNo OWL-TD01SIEMENS-120601-r01 Table Design
  - (A4) DrNo OWL2-INVERTER-120601-r02 Inverter Station 1000 kW
  - (A3) DrNo SH01-12022615-r00 Substation Building
  - (A3) Fence Drawing
- (c) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following the cessation of power production.
- (d) The site operator shall inform the Local Planning Authority within five days of being brought into use that the site is operational and producing electricity.
- (e) Prior to the commencement of the development, details of a strategy to protect wildlife shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Nicolas Pearson Associates Extended phase 1 habitats survey dated May 2012 and AEE's Draft Landscape and Ecological Management plan dated June 2012 and include: Details of protective 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.
- (f)
  - (i) Before any part of the development hereby permitted 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
- (g) Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Environment Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. The Environmental Management Plan and Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase.
- (h) Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within six months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.
- (i) The perimeter fencing hereby permitted shall be erected prior to the commencement of any other works on site unless otherwise agreed in writing by the Local Planning Authority.
- (j) The development hereby permitted by this planning application shall only be undertaken in accordance with the approved Flood Risk Assessment (Ref: J-3999.2-FM dated May 2012 and prepared by H20K) specifically including the following measures detailed within the FRA: All access routes shall be permeable surfaces constructed of either mown grass or unbound stones; and the drainage strategy shall be implemented in full prior to any new buildings or arrays being installed at the site.
- (k) The developer shall ensure that any contract for deliveries to the site requires drivers to use the access routes and call-on protocol outlined in Sections 2.3 and 2.4 of the Construction Traffic Management Plan (CTMP). The access to the site and compound area shall be provided prior to the commencement of construction in accordance with the details outlined at Section 2.7 of the CTMP. Facilities shall be employed at the exit from the site for the wheel washing and lorry jet washing of vehicles leaving the site. Additional signage as suggested in Section 2.6 that shall have been previously agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted shall be erected in the agreed locations

prior to the commencement of the development and maintained for the duration of the construction phase.

- (l) The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in writing by the Local Planning Authority beforehand and fully implemented prior to start of construction, and thereafter maintained until the completion of the construction phase.
- (m) The compound area at the site access shall be removed and the ground restored to its former condition within one month of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.
- (n) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission.
- (o) No external artificial lighting shall be installed on the site.

**Notes to Applicant:-**

- (1) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintained highway, a licence under Section 171 of the Highway Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services;
- (2) Applicant was advised that at least seven days before access works commence the Highway Service Manager Taunton Deane Area Highways Office; Burton Place, Taunton must be consulted;
- (3) Applicant was advised that Under Section 59 of the Highways Act 1980 the Highway Authority is permitted to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development;
- (4) Applicant was advised that here is 150mm PVC water distribution main crossing the site. The main must be protected which must include consideration of the following:-

- The location of the main needs to be confirmed exactly on site and marked accurately on all drawings.
- No panels or other structures will be permitted within the existing easement area (statutory minimum 3m either side of centred over the main).
- Construction traffic over the route of the main will also need to be confined to no more than normal agricultural type vehicles.
- Failure of the main due to damage or other reasons could effect considerably damage and stop operation of the planned solar farm for some time.
- Any resultant repair works to the main will be rechargeable and likely at considerable cost.
- Immediate unfettered access is required around the clock to this main for essential maintenance or repair (to meet this requirement, subject to agreement, the access point could be modified with the use of a joint multi-pad lockable vehicular gate system).

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

The proposed development would generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There would be some significant short term harm to the visual amenities of the area, but the long term harm was considered to be limited. The benefits were, therefore, considered to outweigh the limited harm and the proposal was acceptable in accordance with Policy C12 (Renewable Energy) of the Taunton Deane Local Plan, Policies CP1 (Climate Change) and CP8 (Environment) of the Taunton Deane Core Strategy. The development would not cause harm to wildlife interests, the amenities of neighbouring property or the highway safety, nor would it lead to an increase in off-site flooding. It was, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), EN3 (Local Wildlife and Geological Interests) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan, Policy DM1 (General Requirements) and guidance contained in the National Planning Policy Framework.

#### **13/12/0006LB**

#### **Conversion and alteration of Building 14 to form a dwelling house and demolition of attached outhouse at Cothelstone Yard, Cothelstone**

#### **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 12-CB14P Proposed Elevation and Floor Plan

- (A4) DrNo 12-CB14L location Plan  
(A4) DrNo 12-CB14B1 Block Plan
- (c) 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.
- (d) 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: new external windows and doors; flue; venting of roof and enclosed bathroom/ensuite; finished treatment for all joinery; guttering and downpipes; ridge/hip treatment; cills and lintels; timber cladding; render.

**Note to Applicant:-** Applicant was advised to take the following matters into account:-

**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.

**Reason for granting planning permission:-**

The proposed works would preserve and enhance the character and historic interests of the listed building and the setting of the buildings at Cothelstone Yard. The proposals were therefore considered to accord with Policies S1 and S2 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park joint Structure Plan Review and guidance contained within the National Planning Policy Framework. Further the listed building, its setting and any features of special architectural or historic interest would be

preserved in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**38/12/0249LB**

**Alteration to boundary wall to form access surrounding the playing fields, south of former Convent at Kings College, South Road, Taunton**

**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 plans:-
  - 711954-00 Site Location Plan
  - 711954-01 Existing Site Plan
  - 711954-02C Proposed Site Plan
  - 711954-04 Wall Elevations
- (c) No wall demolition shall commence until a contract had been let for the construction of the residential development to the north.
- (d) The existing pedestrian opening in the central boundary wall shall be closed up in stone to match as indicated on the submitted plan prior to occupation of any dwelling.

**Note to applicant:-**

Applicant was advised that a separate application for planning permission is required before any works commence.

**Reason for granting planning permission:-**

It was considered that the proposal was in line with Section 16 of the Planning (Listed Buildings and Conservation Areas) ACT 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings.

**109. Outline application for a residential development at Amberd Lane, Trull (42/12/0013)**

**Reported this application.**

Resolved that subject to the applicants entering into an appropriate legal agreement to secure:-

**Affordable Housing**

- 10 units of affordable housing to be delivered on site in a distributed manner in accordance with the requirements of local housing need.

**Community Facilities**

- Contributions of £80,640 towards a Neighbourhood Equipped Area for Play (NEAP) to be located on the existing recreation field to the north.
- Contribution of £43,620 towards Active Outdoor Recreation.
- Contribution of £33,340 towards Community Hall Facilities.
- Contribution of £5,820 towards Allotment Provision.

As an alternative to the contribution towards the NEAP, Active Outdoor Recreation and Community Hall Facilities above (totalling £157,600), the provision of:

- Land to the south of the existing playing field (as shown on the deposited plans) to form an extension of that playing field, including the levelling, cultivation and seeding of the field;
- Provision of the NEAP;
- Provision of a Pavilion and Store Building of gross floor area not less than 200 square metres.

**Public Art**

- A contribution towards the provision of public art and public realm enhancements in accordance with the Council's Public Art Policy.

**Landscaping**

- The provision and subsequent maintenance of the landscaped belt proposed on the field to the east of the site prior to works commencing on site.

**Education**

- Contribution of £73,530 towards Primary School Facilities.

**Highways**

- The design and construction of a footpath/cycle track within the site and the widening and surfacing of the existing footpath between the northern end of the site and the south western corner of the existing recreation field to 2.5 m.
- The design and construction of a new traffic island at the junction of Amberd Lane and Honiton Road.
- A minimum sum of £10,000 for Travel Planning requirements, including travel vouchers upon first occupation and production of information leaflets. This 'minimum' should be considered against the provision of a full Travel Plan Statement, and any additional elements arising from the Statement.

**The Growth and Development Manager be authorised to determine the application in consultation with the Chariman/Vice Chairman and if Outline Planning Permission was granted the following conditions be imposed:-**

- (a) Approval of the details of the layout, scale, appearance, access 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) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut pail fence 1.5 m high, placed at a minimum distance of 2m from the edge of the hedge unless otherwise agreed in writing by the Local Planning Authority.
- (c) The development shall provide for covered and secure storage facilities, details of which shall be indicated on the plans submitted in accordance with condition (a) 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.
- (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, as may be agreed by in writing by the Local Planning Authority.

- (e) No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority, all as set out in the submitted Flood Risk Assessment by Three Counties dated 30 March 2012. The scheme shall include full details of proposed on site storage where run off rates have been limited to those from a 1 in 1 year storm on the green field site. Calculations are to be provided showing this attenuation provided for all storms up to and including the 1 in 100 year plus climate change event. The details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. Details of exceedance flow paths and depths of flow shall be mapped and shown to be safe.
- (f) 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 the Ecological Impact Assessment submitted report, dated March 2012 and up to date surveys and include:-
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance.
  3. Measures for the retention and replacement and enhancement of places of rest for the species.
- Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.
- (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority.
- (h) Before the dwellings hereby permitted are first occupied, a 1.8m wide footway shall be constructed over the frontage of the site between the western edge and the vehicle access in accordance with a specification to be approved in writing by the Local Planning Authority.
- (i) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

**Reason for outline planning permission if granted:-**

The proposed development of 30 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the open character of the Vivary Green Wedge or lead to the coalescence of settlements. As such the proposal was not contrary to Policy EN13 of the adopted Local Plan and was in accordance with the provisions of Policy SP1 of the Core Strategy. The adverse impacts of the development did not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Policy Planning Framework taken as a whole and therefore the proposal was approved as advised in paragraph 14 of the NPPF.

**110. Erection of 58 No Dwellings formation of access, removal of a section of listed wall and demolition of the gymnasium at Kings College, South Road, Taunton (38/12/0234)**

Reported this application.

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

- (1) 25% affordable housing on site.
- (2) Education contributions for primary of £147,084 and secondary provision of £147,752.
- (3) A Management plan for future maintenance of boundary walls around the site.
- (4) A Management plan for open space, play space and on site surface water attenuation or commuted sums for their upkeep if transferred to the Council.
- (5) A community use agreement be entered into for the tennis courts, sports hall and playing pitch to be retained on the Nursery Field.
- (6) A community hall contribution and an allotment contribution.
- (7) A travel plan and a trip off-setting scheme.

The proposal for residential development is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties or adversely affect the setting of the listed building or character of the conservation area and is considered in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4, 9 and 49, Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential Parking Provision), C4 (Recreational Provision) and EN14 (Conservation Areas) and Core Strategy 2011-2028 policies CP4 (Housing), CP8 (Environment) and DM1 (General Requirements).

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

## 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 00 Site Location Plan
  - (A1) DrNo 01 Existing Site Plan
  - (A1) DrNo 02 Rev D Proposed Site Plan
  - (A1) DrNo 03 Rev A Section & Elevations
  - (A1) DrNo 04 Wall Elevations
  - (A1) DrNo 05 Units A & B
  - (A1) DrNo 06 Units C & D
  - (A2) DrNo 07 Units Elevations
  - (A3) DrNo 08 The Square
  - (A3) DrNo 09 South Terrace
  - (A3) DrNo 10 View from South Road
- (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 hereafter 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) No development shall commence until a surface water drainage scheme for the site, based on 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. The scheme shall also include details of outfall arrangements, wayleaves and consent to discharge as well as details of maintenance and management after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- (f) Details of the public art element to be designed into the public realm of the site shall be submitted to, and agreed in writing by, the Local

Planning Authority and thereafter be provided on site prior to occupation of any dwelling.

- (g) None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority and also any external lighting on buildings or fences shall be agreed prior to installation and shall thereafter be carried out as agreed.
- (h) The existing access gate in the northern boundary shall be retained for emergency access only and not as a public right of way in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.
- (i) Details of the surface treatment finish to the access roads into the site from South Road and any parking areas shall be submitted to, and approved in writing by, the Local Planning Authority prior to their construction being completed and shall thereafter be carried out and maintained as agreed.
- (j) Prior to commencement of development, details of the proposed layout and specification for the replacement tennis courts along with a timetable for their provision shall be submitted to, and approved in writing by, the Local Planning Authority.
- (k) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.
- (l) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of jh Ecology's Ecological Impact Assessment report dated May 2012 and include:-
  1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of timing of works to avoid periods of work when protective species could be harmed by disturbance;
  3. Measures for the enhancement of places to rest for protected species.Once approved the works shall be implemented in accordance with the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.
- (m) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials, height and type of boundary treatment to be erected, including the wall to South Road. The agreed boundary treatment shall be completed before the dwellings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

- (n) A Children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.
- (o) Before any part of the development hereby permitted is commenced a plan showing:-
  - (a) The location of and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 100mm, 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
  - (b) Details of the species, height, trunk diameter at 1.5m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.

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

The proposal for residential development was located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties or adversely affect the setting of the listed building or character of the Conservation Area and was considered in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4, 9 and 49, Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential Parking Provision), C4 (Recreational Provision) and EN14 (Conservation Areas) and Core Strategy 2011-2028 Policies CP4 (Housing), CP8 (Environment) and DM1 (General Requirements).

**111. Erection of 7 no. detached dwellings on land to the rear of 14-28 Stoke Road, Taunton (38/12/0265)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to secure affordable housing, a leisure and recreation contribution as well as allotment and Community Hall contributions, permission be granted. The Growth and Development Manager be authorised to determine the application in consultation with the Chairman and Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

**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:-  
(A2) DrNo SPP/1414/1A Vegetation Survey;  
(A1) DrNo Vertexe SGB233 Measured Building Survey;  
(A3) DrNo A1202 407A House Type 12 Plans/Elevations;  
(A3) DrNo A1202/406 House Type 11 Plans/Elevations;  
(A3) DrNo A1202/405A House Type 10 Plans/Elevations;  
(A3) DrNo A1202/404 House Type 9 Plans/Elevations;  
(A3) DrNo A1202/402 Site Layout Plan;  
(A3) DrNo A1202/401 Site Location Plan;
- (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) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building(s) are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.
- (f) 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 March 2012 and up to date Bat 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 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 and bird boxes and related accesses have been fully implemented.

- (g) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority.
- (h) The window(s) in the first floor side elevations of plots 1 and 7 shall be glazed with obscure glass and be limited opening to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further grant of planning permission.
- (i) The garages hereby permitted shall be constructed in accordance with the approved plans and shall be retained as such and not be converted to additional habitable accommodation.
- (j) The drives shall be hard surfaced (not loose stone or gravel) before they are brought into use. They shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the properties.
- (k) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of the TPO Cherry 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.

**Note to applicant:-**

- (1) The condition relating to wildlife requires 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.

- (2) The developer should contact Wessex Water in respect to all connections and sewers.

**Reason for granting planning permission if granted:-**

The proposal, for residential development, was located within defined settlements limits in a sustainable location where the principle of new housing was considered acceptable. The proposed access and parking would be satisfactory and the development would not have a significant detrimental impact on access and traffic or on the amenity of surrounding residential properties and was considered in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Recreation Provision) and M4 (Residential Parking Provision) and Core Strategy 2011-2028 policies CP4 (Housing) CP5 (Inclusive Communities) and DM1 (General Requirements).

**112. E/0134/07/12 – Non compliance with planning approval at Gardeners Hall Farm, Lower Stoford Lane, Bradford on Tone**

Reported that it had come to the Council's attention that more solar panels appeared on land at Gardeners Hall Farm, Stoford Lane, Bradford on Tone than permitted. The approved plans showed three long rows of panels in double width.

During a site visit it was found that there were six separate units of panels comprising of 34 panels each making a total of 204 panels. The application, as submitted was for 178 Solar panels.

Noted that the solar panels were sited close to the edge of a field with a backdrop of hedgerows and agricultural and commercial buildings beyond the boundary. A new hedgerow was to be planted in accordance with the approval to limit views of the panels from some nearby residents properties and the Public right of way.

Given the existing boundaries and nearby buildings, the proposed panels were not considered to harm any views from the wider area. The Growth and Development Manager therefore felt that there was no detrimental harm to character and appearance to the area.

**Resolved** that no further action be taken.

**113. Appeals**

Reported that four appeals has been lodged, details of which were submitted.

(The meeting ended at 10.25 pm)

## Planning Committee – 17 October 2012

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

Officers: - Bryn Kitching (Development Management Lead), Anthony Pick  
(Major Applications Co-ordinator), Gareth Clifford (East Area  
Coordinator), Tim Burton (Growth and Development Manager), David  
Evans (Economic Development Manager), Judith Jackson (Legal  
Services Manager), and Tracey Meadows (Corporate Support Officer)

Also present: Tim Burton and David Evans

(The meeting commenced at 5.00 pm)

### 123. Apologies

Councillors Mrs Messenger and Mrs Smith

124. The minutes of the meeting of the Planning Committee held on 18 July,  
15 August and 26 September 2012 were taken as read and were signed.

### 125. Declarations of Interest

Councillors A Govier and D Wedderkopp declared personal interests as  
Members of Somerset County Council. Councillor Nottrodt declared a  
personal interest as a Director of Southwest One. Councillor Mrs Hill declared  
a personal interest as an employee of Somerset County Council. Councillor  
Tooze declared a personal interest as an employee of UK Hydrographic  
Office and Councillor Wren declared a personal interest as an employee of  
Natural England. He also declared a personal interest in respect of application  
No 10/12/0024. The applicant was known to him so he would take no part in  
the discussion or the vote.

### 126. Applications for Planning Permission

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

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

#### **07/12/0018**

**Alterations to the external landscaping to include a timber decking area,  
pedestrian bridge and the relocation of disabled parking bays at The  
Worlds End Public House, Heatherton Park, Bradford on Tone**

## **Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the approved plans.
  - (A2) DrNo 04 Existing and Proposed Sectional Elevations A-A, B-B
  - (A2) DrNo 03 Proposed Landscape Plan
  - (A4) Block Plan
  - (A4) Location Plan

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

The proposed development 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 Core Strategy Policy DM1.

**10/12/0016**

**Erection of two additional poultry houses and associated infrastructure including feed bins and hardstanding at Churchinford Poultry Farm, Church Road, Churchinford**

## **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 200-06 drainage plan
  - (A1) DrNo 200 -05 elevations
  - (A1) DrNo 200-04 floor plan
  - (A1) DrNo 200-03 layout plan
  - (A1) DrNo 200-02 survey plan
  - (A1) DrNo 200-01 location plan
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.
- (d) No development shall commence until a surface water drainage scheme for the site, based on 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. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The

development shall be subsequently implemented in accordance with the details of the approved scheme before the development is completed.

- (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 Eco-Check Consultancy Limited's submitted report, dated April 2012 and include details of protective measures to include method statements to avoid impacts on protected species during all stages of development, details of 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.
- (f) Details of the changes in ground levels on site shall be submitted to, and approved in writing by, the Local Planning Authority prior the construction commencing and thereafter be carried out as agreed.

**(Notes to applicant: -**

(i) Applicant was advised to take the following matters into account:- Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). 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 appropriated wildlife legislation. Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

(ii) Applicant was advised that as Churchinford Poultry Farm currently holds an Environmental Permit for 175,000 broiler places, a variation to the existing permit will be required to increase places to 262,000. The applicant must contact the Environment Agency's National Permitting Centre to apply for a variation).

**Reason 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 and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Core Strategy Policies CP1 (Climate Change), CP6 (Transport and Access), CP8 (Environment), DM1 (General Requirements) and DM2 (Development in the Countryside).

**10/12/0024**

**Development of Solar Photovoltaic farm comprising approximately 23,000 No panels, rated at up to 5MW, and covering an area of 21.4**

**hectares, complete with installation of associated infrastructure at former Culmhead Airfield, Culmhead, Churchstanton**

**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 plans:-
  - (A1) DrNo PE10015 Existing and Proposed Elevations
  - (A1) DrNo PE10015 Existing and Proposed Floor Plans
  - (A1) DrNo PE10015 Block Plan (Amended 12/10/12)
  - Figure 3.4 Fence detail
  - Figure 3.5 Substation building
  - Figure 3.6 Cable trenching
- (c) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following cessation of power production.
- (d) The site operator shall inform the Local Planning Authority within five days of being brought into use that the site is operational and producing electricity.
- (e)
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing to 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 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 EnvironGauge's Environmental Report and EnvironGauge's Badger Assessment; dated March 2012 and include details of protective measures to include method statements to avoid impacts on wildlife during all stages of development. Details of the timing of works to avoid periods of work when nesting/wintering birds could be harmed by disturbance.

Measures for habitat enhancement of the site for wildlife. Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

- (g) Details of a hedgerow management plan for the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to electricity generation commencing and shall thereafter be carried out as agreed for the lifetime of the solar array.
- (h) Details of the proposed infra-red lighting columns shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation and there shall be no external artificial lighting installed on the site other than that agreed.
- (i) Details of historical interpretation boards shall be submitted to, and agreed in writing by, the Local Planning Authority and shall be provided adjacent to the rights of way prior to the development generating electricity.
- (j) Prior to work commencing on the site details of a survey of the scheduled monument to assess its condition shall be submitted to, and agreed in writing by, the Local Planning Authority. The survey and production of a Conservation Management Plan shall be agreed with English Heritage and carried out prior to construction work commencing.
- (k) No development of the site shall commence (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to, and approved in writing by, the Local Planning Authority:
  1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site including sources, pathways and receptors
    - potentially unacceptable risks from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set on in (3) are complete and identifying any requirements or longer-term monitoring of pollutant linkages, maintenance and arrangements or contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented in accordance with the details approved under this condition.
- (l) If, during any development phase (including de-commissioning), contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the

Local Planning Authority) shall be carried out until the developer has submitted, to, and obtained written approval from, the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall subsequently be implemented in accordance with the approved strategy.

- (m) No development shall commence until a Construction Environmental Management Plan has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved plan.
- (n) No development shall take place until a surface water drainage scheme for the site, based on 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. The drainage strategy shall demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- (o) No sub-station construction 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.
- (p) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

**(Notes to applicant:-**

(1) Applicant was advised to take the following matters into account 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 be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions. 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. Applicant was advised that underground fuel storage should be undertaken in accordance with the Association for Petroleum and Explosives Administration document: Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (Revised June 2011). Any above ground fuel must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations

2001. (Applicant was advised that any waste used on site or taken off site will be subject to the necessary waste exemptions and /or Environmental Permits required to be granted by the Environment Agency. (4) Applicant was advised that the Council was not aware of any watercourses on site. If any works are required in or adjacent to any watercourses, then the written consent of Somerset County Council as the Lead Flood Authority (LLFA), will be required. The LLFA took on consenting powers originally held by the Environment Agency on 06 April 2012. (5) Applicant was advised to contact the Taunton Deane Area Highways Office to seek clarification on a alternative route for the construction phase, to minimise disruption to the highway network due to a Traffic Regulation Order along the B3170 (Corfe) enforcing a 7.5T weight restriction. In addition correct and appropriate signage should be used during the construction phase to notify all highway users of the potential hazard that will be associated with the development).

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

The proposed development would generate electricity from renewable resources contributing to tackling climate change and meeting renewable energy targets. The short term harm of views of the site from the public vantage points would be mitigated and the long term impact on the visual amenities of the area was considered limited. The benefits were considered to outweigh the limited visual harm and the proposal was not considered to harm wildlife interests, highway safety, flood risk of the landscape character of the Blackdown Hills Area Of Outstanding National Beauty. It was therefore considered to be acceptable and in accordance with guidance in the National Planning Policy Framework and Policies CP1 (Climate Change), CP8 (Environment), DM2 (Development in the Countryside) and DM1 (General Requirements).

**19/12/0006**

### **Reinstatement of hardcore area to south of entrance and reformation of hardcore area to north of entrance to land at Elm Bridge, Hatch Beauchamp**

#### **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) Layout Plan
- (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,

of 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 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 Core Strategy Policies DM1 and CP8.

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

**06/12/0007**

**Erection of 3 No dwellings with associated parking, access and landscaping at Station Farm, Station Road, Bishop's Lydeard**

**Reason**

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' and SP4 'Realising the vision for rural areas' in that it would lead to the loss of a potential employment use that has an extant consent and that no evidence in the form of marketing has been submitted to demonstrate that such a use is not viable and material considerations do not outweigh the loss of employment land.

**06/12/0036**

**Erection of 5 No dwellings with associated garages and parking, landscaping and provision of open space, at Station Farm, Station Road, Bishop's Lydeard**

**Reason**

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' and SP4 'Realising the vision for rural areas' together with Taunton Deane Local Plan Policy EC22 'Land west of Bishop's Lydeard Station' in that it would lead to the loss of a potential tourism/employment use that has an extant consent and no evidence in the form of marketing has been submitted to demonstrate that such a use is not viable and material considerations do not outweigh the loss of the tourist/employment use.

- 127. E/0116/08/12 – Shed erected on car parking area at 88 Waterleaze, Cheddon Fitzpaine**

Reported that it had come to the attention of the Council that a shed had been erected on a car parking area at 88 Waterleaze, Cheddon Fitzpaine without planning permission.

The owner had been contacted who had advised that the shed had been erected by the previous occupier in June 2009 in the corner of the car parking area close to the boundary with No 84 Waterleaze.

In the view of the Growth and Development Manager, the shed did not appear prominent or incongruous in the surrounding area. It was screened from public viewpoint by surrounding dwellings and trees and was not therefore considered to cause harm to the appearance of the area.

In addition, the height of the shed was considered not to have any overbearing impact or loss of light to the neighbouring properties and did not result in any increased noise and disturbance beyond the area being used for car parking.

Even with the shed in position, there were still sufficient space for two cars to park and, as such, the requirements of the original planning permission could still be met.

In the circumstances, the Growth and Development Manager felt that it would not be expedient to take enforcement action.

**Resolved** that:-  
No further action be taken.

(The meeting ended at 8.25 pm)

## **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
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

14/12/0028

MR & MRS BAKER

**CHANGE OF USE AND CONVERSION OF AGRICULTURAL BARN TO FORM A RESIDENTIAL DWELLING AT BEDRUTHAN, BULL STREET, CREECH ST MICHAEL**

Grid Reference: 327711.125206

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The site is in a sustainable location within the village and comprises the conversion of an existing building. The proposal is considered not to have a detrimental impact upon visual or residential amenity or flood risk and would enhance/maintain the character and appearance of the area and, therefore does not conflict with retained Taunton Deane Local Plan Policy M4 (Residential Parking Provision) and Policy DM1 of Taunton Deane Core Strategy.

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

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

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

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

(A2) DrNo 5811/3 Rev A Location- Site Plan

(A3) DrNo 5811/1 Rev A Floor and Elevations Plans as Existing

(A3) DrNo 5811/2 Rev B Floor and Elevation Plans as Proposed

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

3. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or

as otherwise extended with the agreement in writing of the Local Planning Authority.

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy Policy CP8.

- 4. 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 window to be installed in the West elevation shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). 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 Taunton Deane Core Strategy Policy DM1.

- 5. 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 development of the types described in Schedule 2 Part 1 of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure any further development of the site does not result in an increase risk of flooding or adverse impacts on the amenities of nearby properties in accordance with Taunton Deane Core Strategy Policies DM1 and CP8.

- 6. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Somerset & Exmoor National Park Joint Structure Plan Review Policy 49.

7. Finished floor levels of the development shall be set no lower than 9.14m AOD.

Reason: To ensure that the development is appropriately resilient and resistant to

flooding in accordance with NPPF paragraph 103 and Core Strategy Policy CP8.

8. No development shall commence until details of flood resilient design techniques in the construction of the development have been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the development is appropriately resilient and resistant to flooding in accordance with NPPF paragraph 103 and Core Strategy Policy CP8.

9. The development hereby permitted shall not be commenced until details of a strategy to protect bats and breeding birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of ACE Consulting's submitted report, dated October 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;

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.

Reason: To protect bats and birds and their habitats from damage bearing in mind these species are protected by law.

10. The conversion works shall not commence until details of the works for the disposal of foul drainage and surface water sewage have been provided and agreed in writing by the Local Planning Authority and the agreed works to serve the development shall be carried out in accordance with details agreed

prior to the occupation.

Reason: To prevent pollution and flooding of the area in accordance with Policy CP8 of the Taunton Deane Core Strategy.

#### Notes for compliance

1. The condition relating to wildlife requires the submission of information to protect species and the Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process.

**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 of Natural Habitats and Species (Amendment) Regulations 2012, 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.

## **PROPOSAL**

The application is for conversion of the building to a two bedroom dwelling with a single storey lean-to extension to the rear. The proposal makes use of the existing openings to form a window and door on the south (front) elevation and a window on the west elevation. Roof lights will be installed on the north and south elevations along with a new kitchen window on the north east elevation. The ground floor will comprise a kitchen, utility, W.C. and lounge/dinning room with stairs leading to two bedrooms and a shower room. There is a small area to the rear for amenity space

## **SITE DESCRIPTION AND HISTORY**

The site comprises a small plot on the northern side of Bull Street. Within the plot there is a small detached agricultural barn, largely stone and brick with a tiled roof. To the north of the barn is an existing ditch and to the east is a grass verge. To the east and south there are the gardens and buildings belonging to No 2 Fairview. This section of Bull Street is an un-adopted road in private ownership which leads to Brickyard Farm.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*CREECH ST MICHAEL PARISH COUNCIL* - Objects on grounds of overlooking on adjacent property and concerns over road access and parking, including to other users of the lane.

*SCC - TRANSPORT DEVELOPMENT GROUP* -

In terms of traffic generation the proposed development may generate a similar level of traffic to that of the existing/former uses of the barn, but the nature of the trip patterns connected with a residential use are likely to be very different with a higher level of longer distance trips.

The village of Creech St Michael does not accommodate adequate services and facilities. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the National Planning Policy Framework and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy S7 of the Taunton Deane District Local Plan and would normally receive a recommendation of refusal from the Highway Authority as a result.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the retention of the building(s) for re-use and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

The site is located at the end of Bull Street an unclassified section of highway to which a 30mph speed limit applies. It was observed during my site visit that vehicle speeds are significantly reduced due to the restricted width of Bull Street. Additionally, vehicle movements in this location were low at the time of my visit.

In detail the application seeks to convert an existing agricultural barn to a residential dwelling. Having made a site visit and studied the information supporting the planning application, I have liaised The Road Records Team and I have been made aware that the development is located approximately 60metres from the adopted public highway along a unadopted section of carriageway.

As Creech St Michael has been identified as a Zone B for parking provision therefore the Somerset County Council – Parking Strategy (adopted March 2012) states a two bedroom dwelling must provide two vehicle parking spaces as an optimum standard.

Therefore the proposed residential scheme is in line with the Somerset County Council – Parking Strategy. It is noted from the Design and Access Statement, that the proposed parking for the proposal will be located on verge in proximity to the dwelling. Given that this is unadopted the Highway Authority can only suggest that the applicant hard surface the parallel parking bays. Therefore, in light of the above mentioned comments, there is no objection to this proposal from the Highway

Authority.

*ENVIRONMENT AGENCY* - We have no objection to the application as submitted subject to conditions

*BIODIVERSITY* - Recommends conditions requiring a strategy to protect breeding birds and bats.

*LANDSCAPE* - Acceptable subject to landscaping around the car parking area.

*WESSEX WATER* - New water supply and waste water connections will be required.

*SOMERSET DRAINAGE BOARD* - Does not object subject to condition requiring details of surface and foul water drainage to be approved in writing and informative regarding the requirement of Land Drainage Consent from the Parrett Internal Drainage Board.

Details submitted do not indicate how the development will be served by foul drainage. Details of foul drainage and surface water drainage need to be approved in writing

*ENVIRONMENTAL PROTECTION TEAM* - recommend condition regarding contaminated land

## **Representations**

Seven letters of OBJECTION from five objectors have been received;

- Overlooking from window on west elevation
- Is the proposed parking area on land owned by the applicant?
- The property will be accessed via a narrow private road which is in constant use by large agricultural machinery
- The parking area is on a narrow corner and may present a hazard
- The ditch to the rear may become a nuisance and be piped and filled at an incorrect level leading to problems in the Bull Street area.
- This end section of Bull Street is in private ownership and had been maintained and tarmaced by the owner.
- A gate marks the start of the private section of the roadway.
- The site location plan and layout plan show an area to the front of the barn which may encroach onto the roadway.
- The parking may block access for agricultural vehicles.
- The accessway to the field sited to the rear of the barn is for agricultural use only.
- There is an oil tank on the adjoining property which is sited approximately 3 metres from the proposed dwelling.
- The verge is used as a passing place at busy times of farming activity.

## **PLANNING POLICIES**

EN23 - TDBCLP - Areas of High Archaeological Potential,  
CP8 - TD CORE STRATEGY- ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
NPPF - National Planning Policy Framework,  
M4 - TDBCLP - Residential Parking Provision,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The detached brick barn lies within the designated settlement limits of Creech St Michael, albeit on the edge. It is considered to be a sustainable location for conversion to residential accommodation. The main impacts to be assessed are residential amenity, visual amenity, flooding, highway safety, protected species and contaminated land.

Residential amenity - The closest properties to the barn are a pair of semi-detached houses to the south west (No's 1 & 2 Fair View). The south western and western boundaries of the site adjoin the rear garden of one of these houses. The proposal includes a window at first floor level on the west elevation which could result in overlooking onto the private amenity space of the adjoining property. To prevent this from occurring the applicant has agreed to a condition ensuring this window is obscure glazed. To ensure no overlooking takes place it will also be necessary for this window to be fixed shut. In respect to the remainder of the development there will be no loss of privacy or loss of light to surrounding properties.

Visual amenity – The proposed alteration will result in minimal alterations to the external appearance of the barn. Existing openings will be utilized on the front elevation to create a window and doorway. There is to be a small lean-to extension to the rear to provide a utility room. The materials used on the extension will match those on the existing barn. Conservation style roof-lights are to be installed on the north and south elevations. There is considered to be no adverse visual impact from the proposal.

Flooding – The site lies within the floodplain. As the application is a conversion and not a new build it is not thought to increase the risk of flooding elsewhere. The Environment Agency do not object to the proposal subject to conditions ensuring the floor levels are set no lower than 9.14m AOD and details regarding flood resilient design techniques are submitted and approved in writing. Details of foul sewage would need to be submitted and approved in writing to ensure there are no adverse impacts in the event of flooding.

Highway safety – Somerset County Council do not object to the proposal as it is on an un-adopted road. The proposals show two parking spaces to be provided alongside the road on an area which is currently a grassed verge. There is a lot of concern from nearby residents on the provision of these parking spaces and of the ownership of the land. On the application form Certificate D has been signed indicating that the applicant does not own all of the land and has not been able to find out who owns part of the site. Notice of the application was published in the local newspaper. The planning application has to be decided irrespective of who owns the land. Lack of ownership of the site can not be a reason for refusing the application.

The two parking places shown are considered to be adequate provision for the size of dwelling to be created. It is appropriate to condition these spaces to be formed and hard-surfaces prior to the occupation of the residential unit as although within the settlement limits, the site is unlikely to be a suitable location for a car-free development. There is concern that no turning area is provided within the site. As the road is privately owned there is no way to ensure a turning area can be maintained further along the road. There is a field gateway adjoining the east boundary but it is not deep enough to provide a decent turning area and as it is outside of the site boundaries there is nothing ensuring that this will be retained in the future.

Protected Species – A suitable condition would be required to ensure bats and breeding birds are not affected by the proposed development.

Contaminated Land – At one time it is expected that the barn and land was actively used as part of a farm. It is therefore important that adequate contamination prevention measures are undertaken to ensure the safety of the occupants of the proposed unit.

On balance, the application is not considered to affect residential or visual amenity and the application is recommended for conditional approval. The issues raised in the representations received, regarding the access road, need to be resolved outside of the planning process.

**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**

38/12/0391

MISS L MEADOWS

**ERECTION OF A SINGLE STOREY EXTENSION TO THE FRONT ELEVATION OF  
77 LYNDFORD ROAD, TAUNTON**

Grid Reference: 323332.126154

Full Planning Permission

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**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 is in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

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

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

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

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

(A3) DrNo 05 Proposed Ground Floor Plan and Elevations  
(A3) DrNo 03 Existing Ground Floor Plan and Elevations  
(A4) DrNo 02 Block Plan  
(A4) DrNo 01 Location Plan

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

Notes for compliance

**PROPOSAL**

The proposal is to erect a single storey extension at principal elevation of the property. It will measure 2.3m x 3.5m and replace an existing porch that is currently under the eaves of the roof slope. The extension will bring the side elevation in line

with the front wall of the property. Materials will match the existing property.

The application is being presented to committee as the Applicant is related to a Member of Staff.

## **SITE DESCRIPTION AND HISTORY**

The dwelling is semi detached and finished with red facing brick under a tiled roof. It has a gable fronted principal elevation that matches the adjoining property. It is sited away from the road in a elevated position. There is an existing porch that has been previously added and the extension will replace this. The garden is enclosed by a 1.8m fence above a 1 metre brick wall right hand side of the front and a beech head to the left hand side.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

### **Representations**

None received

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
H17 - TDBCLP - Extensions to Dwellings,

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is considered that the proposed extension is in keeping with the existing dwelling in terms of size and design. It will not project further than the front wall of the dwelling and will have no adverse impact on neighbouring properties.

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

**CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462**

38/12/0398

MR & MRS D WHITE

**ERECTION OF DWELLING WITH ASSOCIATED GARAGE AND PARKING PROVISIONS, WITHIN THE GARDEN OF HAWKSWORTH HOUSE AND LAND TO THE NORTH, AT 1 HOLWAY AVENUE, TAUNTON (RESUBMISSION OF 38/12/0244)**

Grid Reference: 323398.124069

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory, adequate parking and turning is provided and the development would not have a detrimental impact on the amenity of surrounding residential properties and the proposal is considered in accordance with Policies CP4, CP6, CP8 and DM1 of the Taunton Deane Core Strategy and retained Policies STR4 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and retained policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

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

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

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

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

(A1) DrNo 13 Rev A Proposed Plans, Elevations and Section A-A Sketch Scheme 06

(A1) DrNo 12 Rev A Proposed Site Layout Sketch Scheme 06

(A1) DrNo 03 Rev C Existing Site Layout Plan

(A3) DrNo SPP.1743.1A Tree Appraisal

(A4) DrNo 11 Rev B Proposed Block Plan-SK05

(A4) DrNo 02 Block Plan

(A4) DrNo 01 Location Plan

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

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

Reason: To protect the character and appearance of the existing building in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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

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 Core Strategy Policy DM1.

5. The window(s) in the first floor side elevations (south west and north east) shall be glazed with obscure glass and be fixed or limited opening to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Taunton Deane Local Plan Policy H17(A).

6. The dwelling shall not be occupied until turning and parking spaces shown on drawing 12A are provided and the parking spaces shall be retained and only used in connection with the development hereby permitted.

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

7. A method statement to avoid construction work impact on tree roots and branches and details of the foundation design shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site.

Reason: In the interests of protecting trees in the area.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes A and B of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To protect the character of the area and amenity of neighbours in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. The development hereby permitted shall not be commenced until details of a strategy to protect badgers **during construction** has been submitted to and approved in writing by the Local Planning Authority. **The strategy shall** include method statements to avoid impacts on protected species during all stages of development and details of the timing of the works.

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.

Reason: To protect badgers **during construction** bearing in mind **this** species **are** protected by law.

#### Notes for compliance

1. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water’s ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant’s expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus.

It is recommended that the applicant contacts Wessex Water Sewer Protection Team on 01225 526333 for further advice.

2. The developer must agree a point of connection to the water and foul sewerage network with Wessex Water. Contact 01225 526222 for Water Supply and 01225526333 for Waste Water.

## PROPOSAL

The proposal is to erect a 4 bedroom detached dwelling on land to the rear of 1 Holway Avenue and 45 South Road with access via an existing track off South Road serving existing properties and a parking area. The design is revised and smaller in terms of height and footprint than the previously refused scheme.

## SITE DESCRIPTION AND HISTORY

The site lies on the eastern side of South Road within the existing built up area of the town and is accessed by a single vehicular width track. The site straddles the conservation area boundary which runs along the rear of the Holway Avenue gardens. So the existing parking area lies within the conservation area while the garden to the south does not.

Previous permission for a 5 bedroom dwelling of a different design (ref. 38/12/0244) was refused by Members at the meeting on 27 September due to its scale and bulk being overbearing and out of character with the area.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

SCC - *TRANSPORT DEVELOPMENT GROUP* - I would refer you to my letter dated 15th August 2012 in connection with planning application No. 38/12/0244 (a copy of which has been reproduced below for your information). I consider that these comments apply equally to the present application:

*The proposed development is situated within a residential area of Taunton within development limits therefore the principle of development is acceptable in this location.*

*This site is located to the rear of 1 Holway Avenue, an unclassified highway to which a 30mph speed limit applies. However, vehicular access to the proposal is situated off of South Road a Class 2 highway, to which a 30mph speed limit applies. South Road is designated as a County Route under Policy 51 of the Somerset and Exmoor National Park Joint Structure Plan. It was observed from my site visit that there is an abundance of vehicles parked on the highway in this location.*

*The proposal seeks to erect a dwelling with an associated garage and parking. Having carried out a site visit on the 9th July 2012 and studied the drawings accompanying the planning application, I have the following highway and transportation observations.*

*The site is located approximately 30m back from the public highway, at the end of a private track. Whilst on site it was noted that the track also serves additional dwellings. The track itself is estimated to be 3.5m in width, with no passing places along its duration.*

*Existing Use - The Highway Authority queried the use of the land at present as it would see a loss of vehicle parking. However, having received additional information from the agent acting on behalf of the applicant, the site is currently used as a private vehicle parking area. To which provides parking licences for five no. local residents to park on this private section of land. It is to my understanding that the licences could be terminated within a one month notice period, regardless of any planning application submitted. Therefore it would be unreasonable for the Highway Authority to object that the proposed development would be likely to encourage the parking of vehicles on the public highway.*

*Given that the proposal is for a single residential dwelling, it is considered that the site will see a reduction in vehicle movements. Referring to TRICS database the estimated vehicle movements for a single residential unit are approximately 6-8 movements per day. As a result it would therefore be unreasonable for the Highway Authority to recommend that the development would see an increase in vehicle movements associated with existing access, albeit substandard.*

*Vehicle Turning - Drawing (No. 12/A), which shows that albeit constricted, a three point manoeuvre is possible within the site. In reality vehicles are likely to make more manoeuvres within the site, which in this instance is considered acceptable, as vehicles are unlikely to reverse approximately 30metres back along a single width access track onto the public highway. As a result I consider that drawing No. 12/A provides satisfactory vehicle turning. It is imperative that this area remains free from obstruction, to which a suitable condition will need to be imposed.*

*Garage Dimension - Drawing No. 12/A provides details of the proposed garage within the site. The Highway Authority are satisfied that the garage dimensions are now that of the Somerset County Council – Parking Strategy (3m x 6m).*

*Cycle Provision - It is noted from drawing No. 12/A that sufficient cycle storage facilities have been provided within the site. I am satisfied that the level of parking provision provided for the development, is in line with the Somerset County Council – Parking Strategy.*

*In light of the above, the Highway Authority has no objection to this proposal subject to the following conditions:-*

*The area allocated for parking and turning on the submitted plan, drawing number 12/A, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.*

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.*

*HERITAGE - No objection.*

*LANDSCAPE - My concerns are as with the previous application ie. impact of construction and building works on the tree roots within root protection area. No details of the above have been provided.*

*WESSEX WATER - New water and waste connections will be required. A combined sewer is shown in the vicinity and it is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice. No building will be permitted within 3m width of the pipeline without agreement.*

## **Representations**

Councillor Mrs Herbert - Support objections to proposal. The revised scheme has not addressed neighbour concerns in respect of overlooking or overbearing on their properties, it has not changed in respect of overdevelopment of the site and it remains a large footprint on a small plot. The proposal has not altered its design to be more sympathetic to the sensitive conservation area, indeed in my opinion the revised proposal is more out of keeping and will be detrimental to the visual amenity of the area. I strongly urge committee to protect this sensitive conservation area and refuse this application.

16 letters of SUPPORT on grounds of:

- it will tidy up the area,
- it is a sustainable location,
- design and materials in keeping,
- removes a waste piece of land while providing a needed family home,
- removal of parking will improve road safety as vehicle movements will decrease,
- it addresses the reasons for refusal and helps prevent urban sprawl.

5 letters of OBJECTION on grounds of

- overdevelopment, squeezing a quart into a pint pot,
- its overbearing,
- overlooking from first floor,
- kitchen and study will have limited height due to boundary hedge,
- the new dwelling will be overlooked,
- negative impact on amenity,
- intrusion and increased density,
- the site is previously undeveloped land,
- there is no demand for a 4 bed property,
- the garden would be small and not in keeping with family homes,
- parking is under pressure and it would force more parking onto the road,
- it is not the best practicable means for the land under the Environment regulations,
- it's a conservation area,
- it would detract from the standard of the area,
- badgers would be disturbed,
- access is inadequate on a track 2.6m wide,
- insufficient for construction and unlikely to have been considered under the CDM regulations,
- it would cause damage including boundary walls and disruption to neighbours during construction,
- a three point turn would not be possible,
- deliveries will have to park on the highway causing a hazard,
- scheme is garden grabbing of private residential garden land,
- the structure is imposing and will overlook neighbours
- there may be covenants restricting building.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,

STR2 - Towns,  
STR4 - Development in Towns,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - TD CORE STRATEGY- ENVIRONMENT,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
M4 - TDBCLP - Residential Parking Provision,  
EN14 - TDBCLP - Conservation Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

As before the main considerations with this proposal are the impact on the character of the area, the impact on amenity of neighbours and access parking and highway safety.

### Character of the Area

The application site lies on the edge of the South Road Conservation Area with the boundary running through the site along the existing rear boundary of 1 Holway Road. There is built residential development around the site other than the commercial office building to the north-east. The provision of a hipped roof dwelling here is not considered to detract from the character of the area and this view is also held by the Conservation Officer. The loss of the car park use is not something that can currently be controlled and the provision of a garage, parking and turning space on that part of the land in the conservation area is not considered to be detrimental to the character of this area.

### Amenity

Window to window distances of first floor bedrooms with adjacent properties are around 20m or more, other than with the applicants property to the rear (which is 16m) and the property at No.3 Holway Avenue (which is around 17.5m). Overlooking from bedroom windows at this distance is considered to be acceptable and not grounds to refuse the proposal. The first floor windows to the western side elevation facing 45 South Road serve a bathroom and stairs and would be obscure glazed. The terrace at first floor level to the front is also designed so as not to give rise to any significant overlooking with parapet walls and it is largely being set behind the roof of the proposed garage. The height of the building has been reduced from the previous scheme by over 1m and hipped roof provided rather than gables. The roof space rooms have been deleted so there are no longer any rooflights or second floor windows enabling looking down into adjacent gardens.

### Access

The dwelling will be served by an existing access which is narrow with limited visibility at the junction with South Road. This access however is currently used by 3 residential properties plus the car park on the application site. The parking area currently is licensed for 5 vehicles, however this can be terminated at any time regardless of any planning application and consequently the Highway Authority

consider it unreasonable to object on the ground that the development would encourage parking on the highway. The Highway Authority accept that the proposal will reduce the traffic using the access and raise no objection on this basis.

The garage is 6m x 4m and is considered of adequate size for a vehicle and cycle parking is also provided on site. Adequate parking and turning is provided within the site to the satisfaction of the Highway Authority and will be subject to conditions.

#### Other issues

The proposed dwelling is in close proximity to two trees off site and concern has been raised over the impact on these trees. The nearest is a silver birch which lies in the adjacent garden and lies outside the conservation area and 2.5m from the proposed building. The Landscape Officer considers that it is important that any foundations are designed to minimise disturbance and a method statement should be agreed to avoid construction impacts on tree roots and branches. It is considered that this should be a condition to be imposed together with one on boundary treatment. There is not considered to be any sign of a badger sett within the site and while there may be badgers using gardens in the area a condition concerning wildlife protection during construction is considered appropriate.

The proposed drainage is intended to utilise the existing drains in the area and Wessex Water has raised no objection to the proposal.

The matters of a possible covenant and land ownership are private civil issues and do not affect the planning considerations of the proposal.

#### Summary

The proposed dwelling is set back from the road and is not considered to harm the character of the conservation area and is designed at a sufficient distance so as not to be overbearing or cause a significant adverse affect on neighbours. This is considered to address the previous refusal reason. The access is narrow with poor visibility but already serves a number of dwellings as well as a car park area and the provision of a house here would result in less traffic and the Highway Authority do not raise an objection and the application is therefore supported.

**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**

## PLANNING COMMITTEE - 28 November 2012

### Miscellaneous Item

#### Report of the Legal Services Manager

Proposed withdrawal of an Enforcement Notice of the 8 August 2011 served in respect of plots numbered 1 and 3 on land to the west of Bishop's Hull Road Taunton

#### Background

On the 8 August 2011 two enforcement notices were served in respect of the two above plots which had been constructed at Persimmon's Bishops Hull site otherwise than in accordance with the approved plans. Plot 1 had been constructed with hanging tiles to the front elevation and Plot 3 had had a half timbered/herringbone design on the front elevation. An appeal against the enforcement notice was unsuccessful

Following the refusal of the appeal, the notice was not complied with and the Committee resolved to prosecute the developer, even though the properties were by that time occupied by new owners. Representations were received from Solicitors acting on behalf of the developer, arguing that had the works been done once the owners were occupying the property, the works enforced against would have been permitted under Permitted Development rights.

Further undertakings were received that the Developer would, if required comply with the notice although they would immediately re-instate the finishes to the two elevations under Permitted Development Rights.

Having considered the position the Committee at its meeting on the 27 June 2012 resolved that the prosecutions in respect of plots 1 and 3 should not proceed as it was not in the public interest to do so.

#### The current position

That resolution however meant that the enforcement notice in respect of plots 1 and 3 (now numbers 1 and 5 Quarty Drive) remained in force. Whilst the Council has resolved not to prosecute for the failure to comply with the notice and has not resolved to do the works in default, there are nevertheless likely to be difficulties when the current owners come to sell.

They have therefore approached the Council with a request that the notices be formally withdrawn, on the basis that the works could now be carried out under Permitted Development Rights and it is inequitable that the house owners should be penalised when the Council has resolved that it is not in the public interest to take action against the developer.

It is considered that no purpose is now served by the retention of the notices.

## RECOMMENDATION

It is therefore recommended that the enforcement notice served on the 8 August 2011 in respect of plot 1 and plot 3 on land to the west of Bishops Hull Road Bishops Hull (now numbers 1 and 5 Quartly Road) be withdrawn.

Legal Services Manager

Contact Officer Judith Jackson 01823 356409 or  
j.jackson@tauntondeane.gov.uk

**E/0106/44/12**

**DOG BREEDING BUSINESS ALLEGEDLY NOT IN ACCORDANCE WITH  
PLANNING PERMISSION AT BEACON LANE FARM, WELLINGTON**

**OCCUPIER:**

**OWNER:** MRS J COATE  
BEACON LANE FARM, FOXMOOR ROAD, WELLINGTON  
TA21 9NX

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice to cease the use of an agricultural field for the keeping of dogs and for the removal of associated kennel structures and dog runs

**RECOMMENDATION**

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require :

- The cessation of keeping dogs on the agricultural field south of Beacon Lane Farm.
- The removal from the field of all buildings and structures in connection with the above activity.

Time for compliance : 6 months from the date on which the Notice takes effect.

**SITE DESCRIPTION**

Beacon Lane Farm is in an isolated site approximately 2 miles from the centre of Wellington. The site is accessed from junction from an unclassified road by way of a single track access way approximately 560 metres in length. The track has recently been upgraded with stone scalping's. This access track also forms a Public Right of Way (WG13/23) which follows the line of the track from the highway through a small wooded area to the complex of barns. These are in an elevated position within the local landscape. The site is 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. The agricultural field wher the dogs are being kept is located approximately 200m south of the barn complex again via a stone track. The field is in a hollow surrounded by mature trees and high hedging.

**BACKGROUND**

Planning permission was granted in January 2012 for the change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space. Work is progressing on the conversion of the living unit and the dog breeding element is partially being used. Due to an increase in the number of breeding bitches being kept at the business premises it has become

necessary to find additional accommodation to house the dogs until the dog breeding element is fully functional.

The site comprises a large area of compacted stone laid to form a parking and access track to the site; on site are a number of timber kennels holding the dogs each fitted with a wire netted run; dogs are not confined to within the kennels and are free to use the spacious runs. The owner has informed the Council that location was chosen as it is away from the Public footpath where passers by could disturb the dogs causing them to bark.

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

There are 6 structures currently on the site housing about 40 dogs. The netted runs generally stretch to the East from the structures and the wire netting is supported on timber fence posts. An unspecified amount of stone has been deposited on the site to form the hardstanding area; the number of tonnes of stone is not known.

Only a small portion of the field has been taken up by the development leaving the majority of the field left to be used for agricultural use, however, it comprises an unauthorised change of use and associated erection of buildings/structures

## **RELEVANT PLANNING HISTORY**

44/88/0017 - conversion of agricultural barns to dwelling - refused 01/1989

44/09/0014 - Demolition of barns and provision of new agricultural building - permitted 12/2009

44/11/0011 - Conversion of barns to live /work unit - refused 09/11

44/11/0020 - Conversion of barns to form a dog breeding enterprise and formation of residential space. - permitted 01/12

## **RELEVANT PLANNING POLICES**

### National Planning Policy Framework

Para 115 Conserving and Enhancing the Natural Environment  
Para 207 - Enforcement

### Taunton Deane Core Strategy

DM1 General Requirements  
DM2 Development in the Countryside  
CP2 Economy  
CP8 Environment

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues to consider are the effect of the proposed development on the character and appearance of the area, given the sites location in the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and the perceived impact upon nearby residential amenity, having specific regard to potential noise and disturbance. Prior to coming to a decision on this case, the Council has consulted Environmental Health, the Blackdown Hills AONB Partnership and the Council's Landscape Officer.

Environmental Health have advised that diary sheets have been returned to them from a complainant and monitoring of noise has been undertaken at a nearby

property. The harm so far from barking is not of a level to be considered a statutory nuisance. Notwithstanding, it is accepted that dogs could be audible from nearby properties. Internal kennelling would reduce possible disturbance to neighbours.

Para 115 of the national Planning Policy Framework (NPPF) states that "great weight should be given to conserving landscape and scenic beauty...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty." Such an approach is also taken within Core Strategy Policies DM1, DM2 and CP8 which aim to protect the appearance and character of landscapes from harmful development and to protect, conserve or enhance the interests of landscape character and natural assets.

The Council's Landscape Officer has advised that the works would be visually detrimental and out of keeping with the landscape character of the AONB that may be seen from the footpath and wider area. Concern was also raised about the impact of the works upon the mature Oak trees within the site.

The Blackdown Hills AONB have advised that the unauthorised development is of great concern on several counts as any development or activity at this site will adversely affect the natural beauty of the area. There are two main aspects to this - the visual and landscape impact and tranquillity. Firstly, the creation of hard standing areas, stone tracks and dog pens that has taken place in a previously undeveloped field in this isolated location is a significant engineering operation and change of use, which is to the detriment of the rural character of this part of the AONB. In addition, if these pens and runs are indeed used for keeping dogs then disturbance from the animals is not compatible with quiet enjoyment of the AONB, particularly those visiting Wellington Monument and using the adjacent public right of way.

The site is in an area of attractive peaceful woodland situated within a wooded corner of the gently sloping hillside, it is close to the ridge line of the hills however due to the surrounding tree and hedgerow cover and topography of the field in question, the site has a low visual profile and is not open to far reaching views. The site cannot be seen clearly from the public right of way to the West despite its proximity to the path; nor can the site be clearly viewed more widely from public vantage points such as the highway to the East. The site is considered to be relatively secluded, and this is a key component of the sites charm and character within the surrounding AONB.

The buildings and hardstanding have been arranged in a relatively formal layout fronting the stone hardstanding, with the kennels facing West and runs projecting generally to the East. The buildings are not of quality and vary in scale design and construction. Their siting is considered to be of a permanent nature, being placed on purpose laid concrete pads, whilst the larger of the buildings would not be easy to move. The scale and mass of the buildings as a group alter the character of this part of the AONB; their siting, together with the laying of the hardstanding dominate and detract from the natural environment, clashing with the scenic beauty of the secluded site; the hardstanding has a harsh appearance when seen against the surrounding agricultural field. In addition, the vision of dogs within the site, particularly at the number concerned in this instance is not a sight that is normally akin to open agricultural fields especially within a protected and designated landscape of an AONB. Even though the site is not prominent within the local area, and being mindful that landscaping could be incorporated to the East, such does not alter the fact that the unauthorised works have a damaging visual effect on the local setting of the area.

The owner informed the Council on site that three visits are made to the site every day to tend to and check on the dogs. There are approximately 40 dogs being kept on site at present; the owner informed the Council verbally that a large proportion of bitches born out of the last set of litters have been kept by the business in order to increase the future scale of the business. The Council is supportive of rural business and whilst dog breeding is not essentially rural in its very nature, it is an activity that would be difficult to undertake and assimilate, particularly at this scale, within an urban and more populated area.

Having walked to the site along public rights of way from Wellington Monument to the South, only two barks were detected when within approximately 200 metres of the site. Similarly when attempting to view the site from a field access to the East with the owner, only one dog bark was audible within the background. No noise was detectable to the human ear from the track access onto Foxmoor Road or from outside properties closest to the access onto Beacon lane. Notwithstanding this matter, upon entering the site holding the dogs, the behaviour of the dogs was thought to be one of excitement upon sensing/seeing a human. Arrival on site was met with approximately 5 minutes of excessively loud barking from the dogs, after which barking began to die back with the dogs calming down to a quiet state. Such noise resulted in a significant disturbance of the peace and tranquility that was otherwise previously observed within the area. Such barking would occur on at least three occasions daily upon visits from the owner/employee. I am in no doubt that this noise would be clearly audible from nearby residential properties and also public areas within the AONB. It is also likely that the dogs may become spooked at times of darkness were a wild animal such as deer or badger may enter the field.

Whilst the Council looks to support economic development within rural areas, the current arrangement being provided on the site are considered to harm the character and appearance of the area by degrading the visual landscape quality of this part of the AONB. Such failing to recognise the intrinsic character and beauty of the countryside cannot be supported. In addition, it is considered that the noise generated by the use of the site, due to its open and uncontrolled nature results in significant audible disturbance to the peace and tranquility of this area of the AONB to its detriment; such perceived noise and disturbance is also considered to result in a disturbance to residential amenity within the area. The planning system aims to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty.

It is deemed reasonable and justified, given the harm described above, to proceed with Enforcement Action seeking a cessation in the use of the site and the removal of the buildings, runs and hardstanding. The unauthorised development and use of land fails to comply with guidance contained within the NPPF and Core Strategy Policies as described above. The likely benefits to the business are not considered to be sufficient as to outweigh the great weight that the NPPF requires should be given to conserving the landscape and scenic beauty of the AONB.

The previously approved conversion of buildings at Beacon Lane Farm was justified (in part) on the basis that dog breeding would be undertaken indoors thereby reducing the noise and disturbance to the surrounding area. Clearly the main site is still in the middle of conversion and Officers have advised the owner to make the business floor space available as soon as possible. Notwithstanding this matter, it is felt that a purpose designed and carefully positioned building should be provided at the existing site and not detached such is the case here. Therefore in order to allow the owner a reasonable time period to develop a feasible and acceptable plan to

relocate these dogs, so not to undermine the interests of the business, a longer period of compliance with the Enforcement Notice would be reasonable and proportionate having regard to guidance within Para 207 of the NPPF.

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

**PLANNING OFFICER: Mr R Williams**

**PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy**

**CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466**

## Planning Committee – 28 November 2012

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

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (East Area Co-ordinator), Tim Burton (Growth and Development Manager), Judith Jackson (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor), and Andrew Randell (Corporate Support Officer)

(The meeting commenced at 5.00 pm)

### 133. Apologies

Apologies: Councillors C Hill, Mrs Messenger, Nottrodt and A Wedderkopp

### 134. Minutes

The minutes of the meeting of the Planning Committee held on the 5 September 2012 and 17 October 2012 were taken as read and were signed.

### 135. Declarations of Interest

Councillors A 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 Tooze declared a personal interest as an employee of UK Hydrographic Office and Councillor Wren declared a personal interest as an employee of Natural England. Councillor Coles declared that he had received a number of letters regarding application No 38/12/0389 from the architect. These had been submitted to the Legal Services Manager for information.

### 136. Applications for Planning Permission

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

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

**14/12/0028**

**Change of use and conversion of agricultural barn to form a residential dwelling at Bedruthan, Bull Street, 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:
  - (A2) DrNo 5811/3 Rev A Location- Site Plan
  - (A3) DrNo 5811/1 Rev A Floor and Elevations Plans as Existing
  - (A3) DrNo 5811/2 Rev B Floor and Elevation Plans as Proposed
- (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) 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 window to be installed in the West elevation shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed). 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.
- (e) 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 development of the types described in Schedule 2 Part 1 of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.
- (f) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- (g) Finished floor levels of the development shall be set no lower than 9.14m AOD.
- (h) No development shall commence until details of flood resilient design techniques in the construction of the development have been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- (i) The development hereby permitted shall not be commenced until details of a strategy to protect bats and breeding birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be

based on the advice of ACE Consulting's submitted report, dated October 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 shall be submitted. 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. 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.

- (j) The conversion works shall not commence until details of the works for the disposal of foul drainage and surface water sewage have been provided and agreed in writing by the Local Planning Authority and the agreed works to serve the development shall be carried out in accordance with details agreed prior to the occupation.

**(Notes to applicant:** - Applicant was advised that the condition relating to wildlife requires the submission of information to protect species and the Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process.

**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 of Natural Habitats and Species (Amendment) Regulations 2012, 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.)

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

The site was in a sustainable location within the village and comprised the conversion of an existing building. The proposal was considered not to have a detrimental impact upon visual or residential amenity or flood risk and would enhance/maintain the character and appearance of the area and, therefore did not conflict with retained Taunton Deane Local Plan Policy M4 (Residential Parking Provision) and Policy DM1 of Taunton Deane Core Strategy.

**38/12/0391**

**Erection of a single storey extension to the front elevation of 77 Lyngford Road, Taunton**

## 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 05 Proposed Ground Floor Plan and Elevations
- (A3) DrNo 03 Existing Ground Floor Plan and Elevations
- (A4) DrNo 02 Block Plan
- (A4) DrNo 01 Location Plan

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

## 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 was in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

## 38/12/0398

**Erection of dwelling with associated garage and parking provisions within the garden of Hawksworth House and land to the north at 1 Holway Avenue, Taunton**

## 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 13 Rev Proposed Plans, Elevations and Section A-A Sketch Scheme 06
- (A1) DrNo 12 Rev A Proposed Site Layout Sketch Scheme 06
- (A1) DrNo 03 Rev C Existing Site Layout Plan
- (A3) DrNo SPP.1743.1A Tree Appraisal
- (A4) DrNo 11 Rev B Proposed Block Plan-SK05
- (A4) DrNo 02 Block Plan
- (A4) DrNo 01 Location Plan
- (A1) DrNo 12A Proposed Site Layout Sketch Scheme 06 Design Drawing.

- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by,

the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

- (d) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.
- (e) The windows in the first floor side elevations (south west and north east) shall be glazed with obscure glass and be fixed or limited opening to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further planning permission.
- (f) The dwelling shall not be occupied until turning and parking spaces shown on drawing 12A are provided and the parking spaces shall be retained and only used in connection with the development hereby permitted.
- (g) A method statement to avoid construction work impact on tree roots and branches and details of the foundation design shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site.
- (h) 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 development of the types described in Schedule 2 Part 1 Classes A and B of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.
- (i) The development hereby permitted shall not be commenced until details of a strategy to protect badgers during construction has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include method statements to avoid impacts on protected species during all stages of development and details of the timing of the works. 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.

**(Notes to Applicant: -**

Applicant was advised to take the following matters into account:-

- (i) The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any

such development proposals that may affect its apparatus. It is recommended that the applicant contacts Wessex Water Sewer Protection Team.

(ii) The developer must agree a point of connection to the water and foul sewage network with Wessex Water.)

**Reason for granting planning permission:-**

The proposal, for residential development, was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory, adequate parking and turning was provided and the development would not have a detrimental impact on the amenity of surrounding residential properties and the proposal was considered in accordance with Policies CP4, CP6, CP8 and DM1 of the Taunton Deane Core Strategy and retained Policies STR4 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and retained policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

**137. E/0106/44/12 – Dog breeding business allegedly not in accordance with planning permission at Beacon Lane Farm, Wellington**

Reported that it had come to the attention of the Council that a breach of Development Control had occurred regarding the use of an agricultural field for the keeping of dogs and associated kennel structures and dog runs at Beacon Lane Farm, Foxmoor Road, Wellington.

Planning permission had been granted in January 2012 for the change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space. Work was progressing on the conversion of the living unit and the dog breeding element was partially being used. Due to an increase in the number of breeding bitches being born at the business premises it had become necessary to find additional accommodation to house the dogs until the dog breeding element was fully functional.

The site currently comprises a large area of compacted stone laid to form a parking and access track to the site. On site were a number of timber kennels holding the dogs each fitted with a wire netted run. Dogs were not confined to within the kennels and were free to use the spacious runs.

There were six structures currently on the site housing about forty dogs. Although only a small portion of the field had been taken up by the development leaving the majority of the field left to be used for agricultural use, it comprised an unauthorised change of use and associated erection of buildings/structures.

Whilst the Council looked to support economic development within rural areas, the current arrangements being provided on the site were considered to harm the character and appearance of the area by degrading the visual landscape quality of this part of the Blackdowns Area of Outstanding Beauty

(ANOB). In addition, it is was considered that the noise generated by the use of the site, due to its open and uncontrolled nature results in significant audible disturbance to the peace and tranquillity of this area of the AONB to its detriment.

It was therefore deemed reasonable to proceed with Enforcement Action seeking a cessation in the use of the site and the removal of the buildings, runs and hardstanding.

Noted that the previously approved conversion of buildings at Beacon Lane Farm was justified on the basis that dog breeding would be undertaken indoors thereby reducing the noise and disturbance to the surrounding area. The main site was still in the middle on conversion and the owner had been advised to make the business floor space available as soon as possible. In order to allow the owner a reasonable time period to develop a feasible and acceptable plan to relocate these dogs from the outside pens, it was felt that a longer period of compliance with the Enforcement Notice would be reasonable and proportionate.

**Resolved that:-**

- (1) Enforcement action be authorised requiring :-
  - (a) The cessation of keeping dogs on the agricultural field south of Beacon Lane Farm, Wellington; and
- (2) Any enforcement notice served should have a six month compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.
  - (b) The removal from the field of all buildings and structures in connection with (a) above;

**138. Proposed withdrawal of an Enforcement Notice 1 and 3 on land to the west of Bishop's Hull Road, Taunton**

Reference Minute No. 87/2012, reported that the Committee had previously resolved that the prosecutions in respect of plats 1 and 3 should not proceed as it was not in the public interest to do so.

That resolution however meant that the enforcement notice in respect of plots 1 and 3 (now numbers 1 and 5 Quarty Drive) remained in force. Whilst the Council had resolved not to prosecute for the failure to comply with the notice and had not resolved to do the works in default, there were nevertheless likely to be difficulties when the current owners came to sell.

They had therefore approached the Council with a request that the notices be formally withdrawn, on the basis that the works could now be carried out under Permitted Development Rights and it was inequitable that the house owners should be penalised when the Council had resolved that it was not in the public interest to take action against the developer.

It was considered that no purpose was now served by the retention of the notices.

**Resolved** that: - the enforcement notice served on the 8 August 2011 in respect of plot 1 and plot 3 on land to the west of Bishop's Hull Road, Bishop's Hull be withdrawn.

(The meeting ended at 7.35pm)