

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 6 November 2013 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 25 September 2013 and 16 October 2013 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 14/13/0036 - Change of use of annexe to provide holiday letting accommodation at the Old Mill, North End, Creech St Michael.
- 6 25/12/0017 - Outline planning application for the erection of six dwellings at Little Acre, Station Road, Norton Fitzwarren.
- 7 27/13/0015 - Erection of an agricultural storage building at Knapp Farm, Hillfarrance.
- 8 38/13/0368 - Demolition of 2 no bungalows and erection of 8 no flats with associated works on land at 58/60 Normandy Drive, Taunton
- 9 38/13/0370 - Erection of 4 no two bedroomed dwellings and 1 no garage on land at Bacon Drive, Taunton.
- 10 42/13/0050 - Change of use of land to form an extension to the playing field, and erection of pavillion at King George's playing field, Church Road, Trull.
- 11 43/13/0097 - Variation of condition no. 10 of application 43/10/0127 to allow a fabric first approach to reducing energy demand seeking more energy efficient buildings rather than providing on site renewable at land at Cades Farm, Off Taunton Road, Wellington.
- 12 45/13/0014 - Erection of 7 no affordable dwellings with associated access, bin and cycle store, parking and landscaping on land adjacent to New Road, West Bagborough.

- 13 48/13/0051 - Erection of two storey extension to side and porch to front of 2 Hill Farm Cottages, West Monkton.
- 14 Planning Appeals - The latest appeals recieved and appeal decisions received (attached)

Tonya Meers  
Legal and Democratic Services Manager

25 November 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.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

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

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

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

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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 E Gaines  
Councillor C Hill  
Councillor M Hill  
Councillor L James  
Councillor I Morrell  
Councillor P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

14/13/0036

MR S MANSFIELD

**CHANGE OF USE OF ANNEXE TO PROVIDE HOLIDAY LETTING ACCOMMODATION AT THE OLD MILL, NORTH END, CREECH ST MICHAEL**

Location: THE OLD MILL, NORTH END, CREECH ST MICHAEL, TAUNTON,  
TA3 5EB

Grid Reference: 327321.126316

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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 outbuilding shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of the building on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: To prevent permanent occupation that would be contrary to neighbouring amenity and requiring permanent parking provision contrary to policy DM1 of the Core Strategy.

3. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 window/dormer windows shall be installed in the north elevation of the development hereby permitted without the further grant of planning permission.

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

4. 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 alteration or extension of the parking area shall be carried out without separate planning permission being sought from the Local Planning Authority.

Reason: To control additional parking and avoid any adverse visual impact on the lane 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 extension to the building other than those expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent development that would alter the character of the outbuilding and to protect the character of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

## **PROPOSAL**

The proposal is to change the use of the annex previously approved to a holiday use. The self contained one bed unit constructed of brick and stone is at the end of the garden of the existing dwelling.

## **SITE DESCRIPTION AND HISTORY**

The proposal is a single storey building of brick and stone construction with a double roman tiled roof. It is sited at the end of the existing residential garden with an outlook into the site and backs onto the neighbour's boundary. A parking area in the form of a lay by exists in the lane outside.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CREECH ST MICHAEL PARISH COUNCIL* - The Parish resolved to raise no objection to holiday letting but to express concerns over car parking.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to standing advice.

## **Representations**

8 letters of OBJECTION received which raise the following issues

- Lack of parking provision as layby provides only 2 spaces rather than 4 required by SCC parking strategy.
- The lane should be kept clear of parking.
- Guests may have more than one car
- The application is retrospective and there are already problems with parking.

1 letter of NO OBJECTION and advising there is a campaign against the scheme.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
M4 - TDBCLP - Residential Parking Provision,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues for the change of use to holiday let here are impact on local amenity and parking provision.

The property consists of a single storey one bed unit designed as an annex at the end of the existing garden. Windows in the property do not adversely affect neighbours and the main outlook is down the garden to the applicants' house. The use of the property as a small holiday unit as opposed to an annex is therefore not considered to harm the residential amenity of the surrounding properties.

The property is served by an existing layby which measures 7.7m and 4m deep. The applicant has shown that this can accommodate 3 vehicles. The Highway Authority raised no objection to the scheme for an annexe and has referred to standing advice on the current scheme. The County parking strategy provides for optimum parking provision and identifies the site as being in the amber zone. This would require up to 1.5 spaces for a one bed residential unit. The previous annex however would have generated traffic movements and the level of usage was not considered significant by the Highway Authority to warrant additional parking provision. The parking requirement in the Local Plan policy M4 is still a relevant policy and is not as strict in requiring provision as the County strategy. However there have been a number of local objections on the issue of parking provision, one considering that 4 spaces

should be provided. This level of provision is not considered appropriate and the issue is whether an additional space is required here to serve the holiday use. In light of the scale of the existing dwelling requiring two spaces and the holiday let clearly requiring a parking space I consider the provision of 3 parking spaces here is justified. This can be accommodated in the existing layby as indicated in photographs submitted by the applicant and consequently this level of provision is considered to satisfy the use and comply with the Local Plan policy requirement.

In light of the amenity issue and parking provision the development is considered acceptable subject to a condition re the holiday use.

**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**



25/12/0017

MRS E BARNEY

**OUTLINE PLANNING APPLICATION FOR THE ERECTION OF SIX DWELLINGS AT LITTLE ACRE, STATION ROAD, NORTON FITZWARREN**

Location: LITTLE ACRE, STATION ROAD, NORTON FITZWARREN,  
TAUNTON, TA2 6RG

Grid Reference: 319441.125546

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

1. 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.

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

2. A scheme for the attenuation of noise shall be submitted with any application for approval of reserved matters. The scheme shall be based on the findings of Ian Sharland Ltd's submitted report dated 14<sup>th</sup> June 2012. The approved scheme shall be fully implemented prior to the occupation of the dwelling to which it relates and thereafter maintained as such.

Reason: To ensure that external noise disturbance does not create unacceptable living conditions for the future occupiers of the site.

3. A scheme for the protection of the protected poplar tree on the southern boundary shall be submitted with any application for approval of reserved matters. The scheme shall include measures required to protect the tree together with the timings for erection of any protective fencing. The approved

scheme shall be fully implemented and carried out in accordance with the approved details and timings.

Reason: To ensure the ongoing protection of the protected tree.

4. Prior to the commencement of the development hereby permitted, a scheme for the means of disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon a full survey/analysis of existing sewers in the locality and their ability to accommodate the likely discharge from the site. The scheme shall ensure that surface water run-off rates from the developed site do not exceed run-off rates from the pre-developed site for all storm periods up to and including for the 1 in 100 year plus climate change event. The scheme shall also include details of maintenance requirements and responsibilities and a timetable for construction. The development shall be carried out in accordance with the details hereby approved. The scheme shall be implemented in accordance with the approved timetable and shall thereafter be maintained as such.

Reason: To ensure the satisfactory disposal of surface and foul water.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to an unacceptable risk of water pollution and to ensure that any land contamination is appropriately remediated.

6. The poplar tree on the southern boundary subject of a Tree Preservation Order is not permitted to be felled by this grant of planning permission.

Reason: For the avoidance of doubt.

7. Finished floor levels of the new dwellings shall be raised a minimum of 300mm above existing ground levels.

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

8. No more than 6 dwellings shall be erected on the site.

Reason: The number of dwellings is justified by the planning history of the

site and additional dwellings would be contrary to settlement policy and may fail the flood risk sequential test.

9. There shall be no ground-raising or stockpiling of material at any time on any part of the site.

Reason: To ensure that flood risk is not increased

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions, outbuildings, fences, gates or walls shall be erected within the curtilage of any dwellinghouse other than those that may be approved pursuant to a reserved matters approval without the further grant of planning permission.

To ensure that the development is appropriately resistant and resilient to flooding and to ensure that flood risk is not increased

#### Notes for compliance

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. There is a possibility that a future relief road for Norton Fitzwarren will be constructed to the north of the site so it may be prudent to consider whether noise attenuation measures should also be installed in the north elevation.
3. This is an outline planning permission with all matters reserved for subsequent consideration. You are advised that, despite indications on the illustrative plans, the Local Planning Authority is concerned that dwellings greater than 2 storeys in height are unlikely to be acceptable on this site.
4. Any application for reserved matters approval must be influenced by the presence of the protected poplar tree and other trees around the site boundary. Any reserved matters application must be accompanied by a tree survey, clearly identifying the root protection areas, carried out in accordance with BS5837.
5. It is expected that the details for landscaping submitted with any reserved matters application will show the retention of planting on the northern boundary and the provision of a new hedgerow to the west.

#### **PROPOSAL**

This application seeks outline planning permission for the erection of 6 dwellings.

An indicative plan suggests that 6 dwellings, a mix of 2 and 3 storeys, could be built on the site in a single terrace, with parking provided to the front in a courtyard arrangement and to the side of the dwellings. Approval for all matters (scale, appearance, access, layout and landscaping) is reserved for subsequent consideration.

## **SITE DESCRIPTION AND HISTORY**

The site is a former caravan site for permanent residential use. Various planning permission's over the years have granted permission for that use as detailed below. The site at present does not have any caravans stationed upon it and is overgrown in places. It is generally flat, however, evidence of hardstandings and steps/raised footways to caravan doors can still be seen on site.

The site is accessed from the southern end of Station Road past the remains of a fire damaged building. To the south of the site, timber fences and a mature (TPO protected) poplar tree separates the site from the railway line. To the north and west, hedges and trees separate the site from open countryside – the fields known as 'Ford Farm'. To the east is the dilapidated building, which directly adjoins the site at the southern end of the boundary, the remainder of the eastern boundary being formed by a dilapidated fence that delineated the garden area of the former building.

The detailed planning history for the site is as follows:

1961 – planning permission (36776/a) granted for the use of the land as a site for 5 caravans.

1989 – temporary planning permission (25/88/0040) granted for the replacement of one caravan with two caravans and the construction of car parking.

1990 – planning permission (25/89/0043) granted for one additional caravan and formation of car parking.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – No comments received.

*NORTON FITZWARREN PARISH COUNCIL* – Objects for the following reasons:

- There are many references to a replacement of existing dwellings but the site has been empty for some time. The 5 caravans which were on the site were only single occupancy, not family homes, therefore comparison is not valid. The proposal is a considerable overdevelopment of the site.
- The vehicle access and turning are inadequate.
- Confirmation of the ground level is required – the relief road will be built up behind the site by 1m.

- There has been no account taken of the noise from the proposed relief road.
- The design does not take into consideration the immediate proximity of the proposed relief road.
- There is no provision for traffic or pedestrians to gain access onto the relief road or exit from it. This will be the only route available as Station Road will be cut off.
- This is the only application that places dwellings between the railway line and the relief road. The site is more suited to employment land, not residential.
- Before considering the application, Taunton Deane should establish the current sewer service to this site as new sewers were installed for the existing houses in Station Road and were re-routed to connect with the Cider Factory site development. The Parish Council believes that the original sewer for the Little Acre site was destroyed as part of the Cider Factory development.

*LANDSCAPE* – My main concerns are:

- Removal of the TPO Native Species Poplar Tree –TD449 – not incorrectly labelled as suggested. This is one of the UKs rarest tree species.
- There is no detailed landscape of tree survey or assessment.
- The landscape proposed will remove the boundary hedgerows which are a feature of the area.

The proposals would be contrary to CP8.

*WESSEX WATER* – None received.

*ENVIRONMENT AGENCY* – Having previously objected to the application, now confirm that they have NO OBJECTION, subject to conditions requiring floor levels a minimum of 300mm above the existing ground levels, No ground-raising or stockpiling of material, no fences, gates or walls to be erected without prior approval, submission of a surface water drainage scheme, and investigation of any unexpected contamination; and make the following comments:

The access road is subject to flooding so you should consult your Contingencies Officer (John Lewis) who can advise on whether the principle of additional dwellings is acceptable and if any contingencies measures are required in the event of a flood.

Whilst we would not expect to find significant land contamination at this site, the ambiguities over its previous uses would suggest that the above recommended condition is reasonable, particularly given the site's proximity to the Halse Water which is a sensitive controlled waters receptor.

Any works within 8m of the Halse Water will require Flood Defence Consent from the Environment Agency.

*COMMUNITY LEISURE* – If [the caravans can be occupied permanently] then I don't [consider that] the above application for 6 dwellings will count for S106 contribution purposes as there will not be a net gain. If mobile homes can only be

occupied for a number of months per year then I would like to ask for S106 contributions.

*DRAINAGE ENGINEER* – Previously objected to the proposal but is now satisfied on the basis of the conditions recommended by the Environment Agency and an additional condition that a surface water drainage scheme is approved prior to the commencement of the development.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - The site is adjacent to the railway line and there is the potential for noise to affect future residents. The report includes details of noise monitoring carried out on site and predicts the noise levels at the proposed properties. The levels are compared to criteria given in Planning Police Guidance 24 which indicates that noise should be taken into account when determining a planning application and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.

The noise monitoring and calculation do show that a reasonable level of internal noise can be achieved in the properties at the proposed development using a certain standard of glazing and ventilation.

I note that the calculations in the report aim to achieve a “reasonable” level of noise within the properties. Taunton Deane BC would normally require a developer to achieve a “good” standard of internal noise. However, the report highlights that the main source of noise that needs to be attenuated is the peak noise levels from passing trains, and by doing this the amount of attenuation provided should result in the “good” standard being met.

The developer should ensure that they provide glazing and attenuation to the standard outlined in the report.

I understand that there are proposals for a new road on land adjacent to the north of the site which is not considered in the noise report. If this road is built it may increase noise levels at the rear of the properties. Therefore, I would recommend that the developer considers noise from the proposed road in addition to the railway and whether a higher standard of glazing/ventilation may be required on the northern facades.

If the new road is built after the houses on this development the Noise Insulation Regulations may provide for grants to carry out additional work to properties if necessary. However, it would be better to avoid this as it would not look good to have to upgrade windows in properties that have only recently been built. These regulations are under the remit of the highway authority (Somerset County Council or the Highways Agency) who may wish to comment.

Recommends condition that a sound reduction scheme is submitted and approved prior to the commencement of development.

## **Representations**

8 letters of OBJECTION have been received making the following comments:

- Recent new development has made parking impossible. Access for emergency services and larger vehicles would be restricted.
- The area is now hugely overcrowded and more dwellings in Norton Fitzwarren, especially Station Road are not wanted.
- The proposal will lead to increased traffic on Station Road which is narrow and has no footways.
- 3 storey houses would be too high for this part of the road and could set a precedent for future development. 2 storey would be sufficient.
- There would not be sufficient parking without an overspill onto Station Road.
- There would be no legal access to the site as the relief road has not been built and there is no access available to Station Road. Access will not be permitted along Station Road south of plot 7 [on the Cider Factory site].
- If the relief road is built, the site would be sandwiched between it and the railway, which would be totally undesirable.
- There have not been caravans on the site for some time.
- Development should not be allowed on the floodplain. Development in the Tone catchment puts Taunton and the Moors at risk of flooding and pollution.
  
- There would be increased flooding to Station Road as some of the Little Acre land holds surplus water from surrounding fields. The site will be difficult to drain.
- Sewage may be difficult to dispose of.
- The site is too close to the railway.
- 6 dwellings is too many.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
CP8 - CP 8 ENVIRONMENT,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the consideration of this application are the principle of the development, flood risk, the impact on neighbouring property, the impact on the visual amenities of the area and noise and highways.

### Principle

The site is outside the identified settlement limit for Norton Fitzwarren. There is, therefore, a presumption against new residential development unless material considerations otherwise indicate that the development may be acceptable. The assessment of the principle of development in this case requires regard to the site history, consideration of the flooding related sequential and exceptions tests, the provision of affordable housing and contributions to community leisure facilities.

The 1961 and 1989 planning permissions together permit 6 caravans to be stationed on the site. The 1988 permission is of less relevance because it was for a temporary period only. It is fair to say that there is currently no active use of the site, and there are no caravans currently stationed thereon. However, aerial photographs available through the internet clearly show at least two caravans located on the site in a photograph which also shows the completed Silk Mills railway bridge – placing it later than 2005; and a single caravan on site in a picture that shows the Cider Factory redevelopment well underway – placing it at around 2009/10. It is not clear when the last caravan was removed from the site, but there does not appear to have been any intervening land use and, although it is overgrown, the hardstandings, access steps and drainage connections for a number of caravans are still visible on the site. With regard to the above, your officers are satisfied that there are extant permissions that would allow 6 caravans to be stationed on the site and that the use has not been abandoned in planning terms.

In this case, the planning history of the site is considered to be a weighty material consideration. Although the site is outside the settlement limit, it is considered that in terms of the overall principle of the development, given that 6 caravans for permanent residential occupation could be stationed on the site, the principle of 6 'permanently constructed' dwellings can also be considered acceptable on the site.

In accepting the principle of the development based on the planning history and, therefore, a fall-back position that would allow such a use to continue, it is considered that it is not necessary for the development to pass the flooding related sequential test. It is fair to say that permanently constructed dwellings would be preferable in flood-risk terms to caravans and, subject to the detailed technical considerations relating to flood risk detailed below, the development is considered to be acceptable in principle on these grounds also.

The fall-back position is also important when assessing the need to make contributions to affordable housing and leisure and recreation. Although the type of dwelling on the site would change, there would be no net-increase in total dwelling numbers as a consequence of the development. It would, therefore, place no greater strain on existing community facilities than the existing use of the site and it is not considered reasonable to require affordable housing and other community leisure based contributions. The Parish Council have suggested that the caravans that were previously on the site were 'single occupancy' only and should not be compared to the proposed dwellings. However, the definition of a caravan is wide and could theoretically lead to much larger accommodation without any need to vary the planning permission. The precise nature of the previous caravans, therefore, is not considered to reduce the weight that can be given to the planning history.

With regard to the above, and subject to the detailed considerations below, the development is considered to be acceptable in principle.

### Flood risk

Whilst the principle of development is accepted for the reasons given above, it is still necessary to demonstrate that the development itself is safe from flood risk and will not cause an increase in flood risk elsewhere. On this matter, the applicant has been in protracted negotiation with the Environment Agency for the last 12 months



or so.

The submitted flood risk assessment information indicates that in a 1 in 100 year (+ climate change) event, only the periphery of the site will flood and the actual developed area in the centre of the site would not. It is, therefore, argued and accepted by the EA that the site need not provide flood storage compensation in order to prevent down-stream flooding provided that ground levels are not raised in the flood risk areas.

It is noted that parts of the site could flood up to 0.4m in extreme events and this could present a danger to some people, particularly if flow velocities are significant. Flooding of 0.2-0.3m depth could occur at the site access and, therefore, anybody on the site at the time of flood would not be able to leave safely. In some cases, such might render the site unacceptable for development, but once again regard must be given to the history. Given that the site can lawfully accommodate 6 residential caravans, it is not considered reasonable to refuse planning permission on this basis. Furthermore, permanently constructed dwellings would provide a better standard of protection than caravans and are, therefore, considered to provide a betterment over the existing situation.

The Council's Civil Contingencies Manager agrees with this position and has also suggested (verbally) that Environmental Searches would reveal the flood risk to prospective purchasers. Given that they should move to the site in the knowledge that it would flood periodically, the situation is considered to be acceptable and future owners will have to ensure that they have prepared themselves for the prospect of flooding.

The EA has recommended various conditions to ensure that flood risk is not increased, such as preventing any ground raising, requiring the floor levels of the proposed dwellings to be above the flood level and requiring prior approval of any fences or other means of enclosure. Your officers also consider that permitted development rights for extensions should be removed to prevent any potential development encroaching into the flood zone and restricting flood flows.

### Neighbouring property

Other than the dilapidated building immediately adjoining the site to the east, the site is otherwise surrounded by an agricultural field. To the north is a narrow section of field that forms an access to the Ford Farm land and dwellings on Station Road sit on the opposite side of this, orientated broadly perpendicular to the northern site boundary. The side garden of the closest dwelling to the north is between 16 and 20m from the site boundary and it is considered that with this separation, new dwellings would be able to be constructed without any unacceptable loss of privacy to the neighbouring properties.

### Visual amenity

The site is generally related to the existing and future residential development in Norton Fitzwarren (the closest corner of the Old Cider Factory site to the east has yet to be built out). Given the existing dwellings on the western side of Station

Road, it is considered that when viewed from the west, the dwellings would appear reasonably part of the village and not appear as isolated or sporadic.

The application suggests that the dwellings may be between 2 and 3 storeys in height, although scale and appearance are both reserved for subsequent consideration in a future application. Given that other dwellings at the southern end of the west side of Station Road are only 2 storey in height, your officers have some concerns over the potential for higher dwellings on this site, which will likely always be the southern edge of the settlement due to the railway line. It is recommended that an advisory note is placed on any grant of planning permission that greater than two-storey dwellings are unlikely to be viewed favourably on this site.

There is a large poplar tree on the southern site boundary, which is considered to be a relatively rare native tree. The application originally proposed to fell this tree, but following objection from your Landscape Lead, this has been withdrawn from the scheme. A condition should be imposed for the avoidance of doubt to confirm that the felling of the tree is not allowed by any permission granted. It is considered that it will still be possible to carry out a development of 6 dwellings whilst satisfactorily retaining the tree. The western site boundary is exposed to the open countryside. If Ford Farm is developed in the future, it would no longer be an urban/rural edge, but in the event that such is never forthcoming, it is considered reasonable to require a landscaping scheme and hedgerow planting along the western site boundary.

### Noise

The site adjoins the railway line. A noise survey has been prepared that indicates that it would be possible to reduce noise disturbance from passing trains to an acceptable level. This would require a 'heavy' fence or brick wall along the southern boundary and the use of enhanced double glazing and 'acoustic' trickle vents to the upper floor windows. The details of such should be submitted with any reserved matters application and required by condition.

The Parish Council have suggested that the future Norton Fitzwarren relief road would run to the north of the site and that noise from this should be considered. Given that there is currently no planning permission for such a road or an adopted planning policy to that effect, it is not considered reasonable to impose a condition requiring attenuation of noise from this potential future source. However, an informative note should be attached to advise the developer to consider this also.

### Highways

The Local Highway Authority have never commented on the proposal. They have been asked for comment, which is expected in advance of the committee meeting. However, your officers consider that given the fall-back position that 6 caravans could be stationed on the site, it is not considered that an objection on highway reasons would be justified.

### Conclusions

The application site is outside the settlement limit for Norton Fitzwarren. However, the planning history indicates that 6 caravans for permanent residential use could be stationed on the site without the need for any further grant of planning permission. In light of this, it is considered that the fall-back position carries such weight as to establish the principle of the development and outweigh the conflict with the development plan. Such is also considered to waive any requirement for affordable housing, contributions to recreation facilities and the need to pass the flood risk sequential test.

The site is at risk of flooding. However, the construction of dwellings on the site will not increase the risk of flood risk elsewhere, subject to conditions to prevent additional future works occurring on the site. The dwellings themselves can be made resilient to flooding and would in any event provide safer accommodation than that provided by any caravans that may be sited pursuant to the existing permission. The site can be developed without harm to neighbouring amenity or the visual amenities of the area and there will be no significant increase in traffic attracted to the site.

With regard to the above, the proposal is considered to be acceptable and it is, therefore, recommended that planning permission is granted.

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

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

27/13/0015

MR M PEACE

**ERECTION OF AN AGRICULTURAL STORAGE BUILDING AT KNAPP FARM,  
HILLFARRANCE**

Location: KNAPP FARM, HILLFARRANCE ROAD, HILLFARRANCE,  
TAUNTON, TA4 1AN

Grid Reference: 319436.124617

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) Location Plan

(A4) Block Plan (as amended by plan received 15.10.2013)

(A4) Roof Plan

(A4) South West & South East Elevations

(A4) North West & North East Elevations

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

3. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

Notes to Applicant

## **PROPOSAL**

This application seeks full planning permission for the erection of an agricultural building. The building would be in a 30x30m, 9m wide 'L' shape around an existing yard area. The elevations (north and east) facing the yard would each be 21m in length and open fronted. The rear elevations to the field would be solid clad in box profile green cladding. It would be 3.98m in height to the eaves and 4.7m to the ridge, with a grey fibre cement roof.

## **SITE DESCRIPTION AND HISTORY**

The site is part of an agricultural field to the west of Knapp Farm, a grade II listed building. The field is bordered by a roadside hedge on its northern side but is largely open to the south and west. The ground falls gently to the south towards the railway line. To the east of the site is a modern agricultural building, which adjoins a small stone barn. There is a walled garden to the southeast of these buildings and beyond them is the main farmhouse which has undergone extensive renovation over the last few years.

The planning history relates to listed building consents for the renovation of the farmhouse, new accesses and the recent service of an enforcement notice against an unauthorised caravan on the far side of the site from the proposed building.

## **CONSULTATION AND REPRESENTATION RESPONSES**

## Consultees

*SCC - TRANSPORT DEVELOPMENT GROUP* – No observations to make.

*OAKE PARISH COUNCIL* – OBJECT for the following reasons:

- Due to the large size, the building will have a visual impact on neighbours.
- The application is for a large building for agricultural use but it does not include any other information regarding the use of other building on the farm and the Parish Council question the need for an additional agricultural storage building.
- The planning application should be considered in the relation to other building already on the farm and the current use of these buildings.
- Further information should be provided to quantify the need for this building.

*LANDSCAPE* – Generally the new building relates well to the existing buildings but is open to the south and west. I recommend that the building is moved at least 3m from the northern hedgerow boundary to avoid damaging the hedge during construction work and give room to allow the hedgerow to be maintained at a minimum height of 3m. There should also be landscape mitigation such as earth mounding and hedgerow and tree planting on the southern and western boundaries.

*HERITAGE* - This is a very large building which would undoubtedly have a visible presence along the road. The proposed building would be approximately 40m to the south west of the farmhouse and would only be seen in juxtaposition with the listed elements when viewed from private land. While accepting this would be a modern addition, it would be significantly larger than the main listed building.

There are therefore issues to be addressed, specifically:

- the new building would dominate the farm complex;
- its size would disrupt the hierarchical relationship between the existing farm buildings;
- it is outside of where, historically, a farm building would be expected.

The cumulative effect is that it would harm the significance of the listed farm building. This harm could be outweighed were there demonstrable public benefit or sound justification as to why this building has to be this size - I cannot see evidence of this in the submitted material. As an alternative, splitting the building into two separate elements would reduce its impact and render it more acceptable.

## Representations

3 letters of SUPPORT making the following comments:

- Everything at Knapp Farm has been carried out to a high standard and the

proposed building will be no different.

- There are not many animals on site because the applicant has been concentrating on restoring the dwelling.
- The horse on site is on line to the applicant. The applicant is not running a livery yard.

2 letters of COMMENT raising the following issues:

- The neighbour's horse is only grazed on the land to keep the applicant's own horse company.
- The owner does things to a high standard and will have properly researched the best layout for a farm yard.
- There will be significant screening between the building and the neighbour to the north if the neighbour's proposal for boarding kennels goes ahead. [Officer's comment: there is currently no planning permission for this].
- The comments in support appear to contradict claims from the applicant's agent – the keeping of horses requires planning permission if food is brought onto the land. The presence of horses contradicts the agricultural statement and those tending the horses create additional traffic.
- It is wrong to claim that an 18 acre farm requires the same machinery as 1000 acres or more.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
CP8 - CP 8 ENVIRONMENT,

## **LOCAL FINANCE CONSIDERATIONS**

None.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The principle of agricultural development in the open countryside is acceptable. The main issues in the consideration of this application are the impact on visual amenity and landscape character, the setting of the listed building, and the impact on neighbouring property. The Highway Authority do not wish to comment on the proposal indicating that it is acceptable in highway safety terms.

The site is separated from the adjoining public highway by a mature hedgerow and would be largely screened from this direction as a consequence. From the east, it would be sited behind the existing buildings. The Landscape Lead initially raised some concerns about the exposed west and southern aspects, which include views towards the site from passing trains and possibly further afield. In response, the agent has agreed to carry out some additional landscaping in the form of a new bank, hedge and trees. Final details can be required by condition. With the additional landscaping in place, it is considered that the building would be read in the

context of the existing buildings in the area and would assimilate acceptably into the landscape.

Knapp Farm is grade II listed. Section 72 of the Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to ensure that the listed building, its setting and any features of historic or architectural interest are not harmed when considering whether or not to grant planning permission. The conservation officer initially raised concern about the impact that the building would have on the setting of the listed building. He considered that the scale of the building was disproportionately large compared to the other buildings and main farmhouse. He acknowledged the harm could be outweighed if there was sufficient justification of agricultural need for the building.

The applicant and agent have subsequently provided more information about the intended use for the building. There is very little stock at the site – it is no more than a smallholding – but the applicant does have two tractors, a mowing machine, hay turner, baler, trailers, harrows, fertilizer spreader, hedge maintenance equipment, fencing materials and other sundry equipment that he uses on site. Hay, fertilizers, feeding stuffs and produce also needs to be used. It is the applicant's intention that, following retirement, he will move to Knapp Farm to run the smallholding on a slightly enlarged basis, at which time the existing modern building will return to its original use for housing livestock and the machinery currently stored in that building will have to be moved. In light of this, and given the general acceptability of agricultural development in the open countryside, it is considered that the agricultural need has been justified. With the additional landscaping now proposed, and due to the siting of the building on the opposite side of the existing modern agricultural building, it is considered that the proposal would not dominate the listed building to such a degree that would harm its setting. The conservation officer has verbally confirmed that he agrees with this.

The closest neighbour is to the north at Higher Knapp Farm. Higher Knapp Farm is on a higher level and has views from the dwelling across the site, albeit obstructed by other buildings on the neighbour's side. The dwelling is between 45 and 55m from the proposed building and given the intervening buildings and hedgerow, it is not considered that the building would be overbearing on the neighbour.

The additional landscaping agreed by the applicant and required by condition, would allow the building to assimilate acceptably into the landscape and would not dominate the farm complex. Therefore, the setting of the listed building would be preserved. There would not be any adverse impact on the amenities of neighbouring dwellings. With regard to these matters, the proposals are considered to be acceptable and it is recommended that planning permission is granted.

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

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



38/13/0368

TDBC

**DEMOLITION OF 2 No BUNGALOWS AND ERECTION OF 8 No FLATS WITH ASSOCIATED WORKS ON LAND AT 58/60 NORMANDY DRIVE, TAUNTON**

Location: 58 NORMANDY DRIVE, TAUNTON, TA1 2JP

Grid Reference: 324277.124143

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the applicant entering into an appropriate legal agreement to secure:

- £1,571.00 per dwelling towards active outdoor recreation.
- £209.00 per dwelling for allotment provision and
- £1,208.00 per dwelling towards community hall provision.

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

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

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

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

(A4) Location Plan  
(A3) Block and Roof Plan  
(A1) Digital Survey  
(A1) Drainage Plan  
(A1) Proposed Floor Plan and Elevations  
(A1) Proposed Site 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 ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. (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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. 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: The protective fencing should be as specified at Chapter 9 and detailed

in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

7. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

8. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

9. The applicant shall undertake all the recommendations made in Green Ecology's Preliminary Ecological Appraisal report dated July 2013 and provide mitigation for bats and birds as recommended.

The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

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

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and accommodate bats and breeding birds

10. Details of the means of disposal of surface water from the site shall be submitted to and approved in writing prior to the commencement of the development and thereafter carried out as agreed.

Reason: To ensure ensure adequate disposal of surface water to prevent flood risk in compliance with policy CP8 of the Core Strategy.

## Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

## PROPOSAL

The proposal is to demolish two existing linked bungalows on the site and to replace them with a two storey block of 8 flats and associated parking.

## SITE DESCRIPTION AND HISTORY

The site consists of a pair of semi-detached bungalows with attached garages and parking with grass open space around them together with a number of small trees.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*SCC - TRANSPORT DEVELOPMENT GROUP -*

*LANDSCAPE* - The two higher quality trees on site should be unaffected by development subject to suitable tree protection on site. No details of landscaping provided but there is plenty of scope to replace those trees lost to development and provide a good quality landscape scheme.

*BIODIVERSITY* - The application is for the demolition of 2 bungalows and the erection of 8 flats at 58/60 Normandy Drive, Taunton. The site consists of two 1970s semi detached bungalows with single garages located in amenity grassland with mature and semi mature trees. The development involves the demolition of the existing buildings on site and the removal of some of the small trees

Green Ecology carried out a Preliminary Ecological Appraisal of the site in July 2013. Findings of the survey are as follows

Badgers - The surveyor found no evidence of badgers on site.

Bats - The houses have low potential to support roosting bats. A close inspection, however found no external or internal evidence of bats. The surveyor did not gain access to inspect the roof void of the more southerly bungalow. It is possible that parts of the roof may be used in an opportunistic manner by individual bats. I support the recommendation to time the demolition to occur in the bat hibernation season when bats will be absent (October-February). If this is not possible a precautionary approach is required. I support the proposal to erect a bat box on the new build.

Birds - The buildings show no evidence of supporting nesting birds  
The mature trees on site have potential to support nesting birds. All clearance work should be carried out outside of the bird nesting season. I support the recommendation to erect bird boxes on site

Reptiles - A small patch of longer grass close to the houses provides suitable habitat for reptiles but this area is very small and isolated  
The majority of grassland is closely mown so there is no cover for reptiles or amphibians.

Suggests standard mitigation condition

*HOUSING STANDARDS* - All rooms should comply with HCA space standards.

*WESSEX WATER* - New water and waste connections will be required from Wessex Water. No building will be allowed within 3m of an existing sewer line.

*DRAINAGE ENGINEER* - I note the comments made in the FRA carried out by TWP dated 13 September. In the FRA they state there are no dedicated public surface water sewers nearby. There are Taunton Deane Housing surface water sewers in the vicinity and these should be located so that the attenuated flows can be discharged to them. Until further details of surface water disposal are forwarded for approval I have to object to the application.

*LEISURE DEVELOPMENT* - In accordance with Local Plan policy C4 provision for active recreation should be made for the residents of the dwellings. A contribution of £1571 for each additional dwelling should be made towards the provision of facilities for active outdoor recreation. A contribution of £209 per additional dwelling should be sought for allotment provision together with a contribution of £1208 for community hall provision.

## **Representations**

1 letter of OBJECTION on the grounds of more congestion and crime would be likely.

2 letters of CONCERN over lack of visitor parking in the area.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,

M4 - TDBCLP - Residential Parking Provision,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
CP8 - CP 8 ENVIRONMENT,

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £6,474

Somerset County Council (Upper Tier Authority) £1,619

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £38,846

Somerset County Council (Upper Tier Authority) £9,712

## **DETERMINING ISSUES AND CONSIDERATIONS**

The proposal provides new Council Housing on the site of two existing bungalows and involves the construction of a two storey building with 4 one bed roomed flats on each floor following the demolition of the existing bungalows. The main issues are amenity, parking, leisure provision and drainage.

The building design involves two storey development in a 'L' shaped building which is orientated to avoid any undue overlooking of nearby properties. The design includes bin and cycle storage within the building and the materials are a mix of brick and render with a tiled roof. The design and impact on the amenity of the area from the proposal is considered acceptable.

The layout provides for 12 parking spaces and this is considered to comply with the existing Local Plan policy M4 which requires a maximum of 1.5 spaces per unit. Concern has been raised locally over parking, however the proposed provision on site is considered adequate and in compliance with policy.

The development results in an increase of 6 units and this triggers leisure and recreation provision under retained policy C4 of the Local Plan. The Leisure Manager requests appropriate contributions for active outdoor recreation, allotments and community hall provision. It is considered that this would need to be sought by a suitable legal agreement other than a S106 or possible through a grantian condition.

The proposed foul and surface water disposal for the new development is indicated as being via the existing sewer system. Wessex Water advise new water supply and waste connections will be required. The Drainage Officer advises that there are existing Housing surface water sewers in the vicinity which should be utilised and that further details of surface water disposal should be forwarded. It is considered that a condition to address this point can be imposed.

The issue of viability has latterly been raised and evidence has been submitted to indicate that the development would be carried out at a loss. The guidance is to look at viability and make concessions where appropriate if reducing or removing contribution requirements from sites would make them viable. In this instance the small amount of leisure contributions would not make any significant difference to the viability of the scheme and therefore the recommendation is still to include this as part of the development.

In summary the provision of additional residential provision within the existing settlement is considere appropriate. There is no adverse impact on the amenity of the area and subject to conditions and appropriate legal agreement the application is recommended for approval.

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

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

38/13/0370

TDBC

**ERECTION OF 4 No TWO BEDROOMED DWELLINGS AND 1 No GARAGE ON LAND AT BACON DRIVE, TAUNTON**

Location: LAND AT BACON DRIVE, TAUNTON

Grid Reference: 324544.124118

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) DrNo 3237/003 Location Plan  
(A3) DrNo 3237/011 Garage Plan  
(A3) DrNo 3237/010 Block and Roof Plan  
(A1) Digital Survey  
(A3) DrNo 3237/006 Proposed Elevations Rev A  
(A3) DrNo 3237/007 Proposed Site Plan  
(A1) Drainage Plan  
(A3) DrNo 3237/008 Proposed Floor Plans Rev A

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 ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. (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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. 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: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

7. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

8. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

9. The applicant shall undertake all the recommendations made in Green Ecology's Preliminary Ecological Appraisal report dated June 2013 and provide mitigation for birds as recommended.

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

Reason: To protect breeding birds.

10. The development shall provide for bin and cycle storage facilities, details of which shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

11. Details of the means of disposal of surface water from the site shall be submitted to and approved in writing prior to the commencement of the development and thereafter carried out as agreed.

Reason: To ensure ensure adequate disposal of surface water to prevent flood risk in compliance with policy CP8 of the Core Strategy.

#### Notes to Applicant

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

The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)

## **PROPOSAL**

Erection of 4 two-bedroom dwellings and a garage on land off Bacon Drive. The one pair of semis will be located off the blank gable end of no.23 facing the road, while the other pair will be sited to the rear between nos. 21 and 23 with removal of garages. A single garage will also be built off the end of the bungalow at 21.

## **SITE DESCRIPTION AND HISTORY**

The site consists of an area of open space that is grass to the side and rear of no.23 and 4 trees and a row of 6 single storey flat roofed garages to the rear of 23/25Bacon Drive.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - comments awaited

*LANDSCAPE* - One C grade tree to be retained and should be unaffected by development subject to suitable tree protection on site – see arboricultural report. No details of landscaping provided but there is plenty of scope to replace those trees lost to development and provide a good quality landscape scheme.

*BIODIVERSITY* - The site consists of approximately 1300sqm of amenity grassland with six mature and semi mature trees and approximately 520sqm of tarmac path, road and a row of six built garages. The development will result in the felling of the

majority of trees and demolition of garages. Green Ecology carried out a Preliminary Ecological Appraisal of the site in June 2013. No evidence of protected species was found and a condition to address mitigation is suggested. Recommends condition for protected species:

*HOUSING STANDARDS* - All rooms must comply with HCA room size standards.

*WESSEX WATER* - Water and waste connections will be required to serve the development. Separate systems of drainage will be required to serve the development and no surface water connections will be permitted to the foul sewer system.

*DRAINAGE ENGINEER* - I note the comments made in the FRA carried out by TWP dated 13 September. In the FRA they state there are no dedicated Wessex Water sewers in the vicinity and that surface water from this proposal will be connected to the foul sewer. There are Taunton Deane Housing surface water sewers in the vicinity and these should be located so that the attenuated flows can be discharged to them. Until further details of surface water disposal are forwarded for approval I have to object to the application.

## **Representations**

PETITION with 36 signatures against on grounds of loss of green space and parking.

27 OBJECTION raising issues of

- harm to green area and character of the area,
- increase in crime and traffic congestion,
- overlooking,
- loss of privacy,
- loss of light,
- too close to bungalows,
- housing not in keeping,
- loss of parking and more on road parking,
- drains would not be able to cope,
- the roads are not being widened and there is no visitor parking.
- loss of light due to single storey garages being replaced by a dwelling
- loss of space and overbearing impact on garden,
- loss of residents parking and carers parking,
- emergency vehicle access could be blocked,
- increase dangers at junction loss of privacy,
- loss of view, loss of open space/play area,
- loss of trees and wildlife
- and noise

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP8 - CP 8 ENVIRONMENT,  
M4 - TDBCLP - Residential Parking Provision,

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£4,316
Somerset County Council (Upper Tier Authority)	£1,079

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£25,898
Somerset County Council (Upper Tier Authority)	£6,474

## **DETERMINING ISSUES AND CONSIDERATIONS**

The proposal provides new Council Housing on the site of existing open space and 6 garages and involves the construction of a two pairs of semi detached two storey dwellings and the provision of 9 parking spaces. The main issues are amenity, parking and drainage.

The proposed dwellings are two pairs of semis, one adjacent to the gable end of number 23 and one pair to the rear of numbers 23 and 25. The properties would have two bedrooms and finished in render and brick with a tiled roof. They would have exterior bin and cycle storage in the gardens. While they have relatively short gardens of 6 or 7m they have over 30m window to window distances from the rear of the properties and over 24m at the front which is adequate to safeguard privacy. Similarly there is around 15m to the end of gardens opposite plots 3 and 4 and this is considered sufficient not to cause any undue overlooking of amenity space. The design has no windows in the gables and there will be no loss of amenity or privacy to gardens as a result. There will be a degree of overshadowing of gardens from plots 3 and 4 however this is not considered so severe to be overbearing and a reason for refusal and the assessment in terms of the impact on number 21 has been carried out to demonstrate there will be no undue shadowing issue to the front of this bungalow.

The scheme provides for 8 parking spaces and a replacement garage space for the 4 dwellings and 6 demolished garages. This is considered sufficient to serve the site given retained Local Plan policy M4, although there is a lot of local concern over parking and congestion. The access roads are considered suitable for the modest scale of development here and there is not considered to be grounds to refuse the scheme in terms of access and parking.

The site does not lie within a flood risk zone and the proposed drainage scheme indicated disposal to existing Wessex Water sewers after attenuation of surface water flows. The Council's Drainage Officer has raised objection as he considers there to be existing surface water sewers in the vicinity which could be utilised. The surface water disposal was specified in Wessex Water's response to be via a separate system and clarification of any alternative is awaited in writing from them. In order to suitably address this issue a condition in respect of surface water disposal is proposed.

The Landscape Officer is satisfied that there is scope to provide a scheme which will compensate for the trees lost and this can be conditioned as can the wildlife mitigation in light of the limited impact identified by the Biodiversity Officer. The scheme will clearly have an impact on the existing green area, however this is not specifically protected from development and the proposal will provide for much needed affordable housing. A smaller area of informal open space would be retained, however the open character of this corner would be lost and replaced with a smaller enclosed area with some car parking to the side. It is considered that the change in character of the area is not so great that it would be unacceptable or cause significant harm that would outweigh the benefits of the development.

In summary the impact of the development is considered an acceptable one in terms of amenity, parking, landscape, wildlife and drainage and would provide much needed affordable housing in a sustainable location and it 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**

42/13/0050

TRULL PARISH COUNCIL

**CHANGE OF USE OF LAND TO FORM AN EXTENSION TO THE PLAYING FIELD, AND ERECTION OF PAVILLION AT KING GEORGE'S PLAYING FIELD, CHURCH ROAD, TRULL**

Location: KING GEORGES PLAYING FIELD, CHURCH ROAD, TRULL,  
TAUNTON, SOMERSET, TA3 7JZ

Grid Reference: 321589.121939 Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A1) DrNo SPP.1706.4 Landscape Proposals  
(A1) DrNo 4222/12 Survey of Recreation Area  
(A1) DrNo 4222/12 Site Plan  
(A1) DrNo 4221/12 Proposed Pavillion Elevations & Floor Plan

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

3. 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 use hereby permitted is commenced and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. (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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:2012 (Tree Work)].
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.



7. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. 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: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

8. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

9. No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Policies EN6 and EN8.

10. The proposed access road, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the pavilion is provided with an acceptable means of access and to ensure that the detailed design of the proposed access road is acceptable in accordance with Policy DM1 of the Taunton Deane Core Strategy.

11. 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 ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

12. The applicant shall undertake all the recommendations made in MWA's Hedgerow inspection report dated December 2012. 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 dormice and breeding birds

13. No development on the pavilion, access road or car park shall take place until such time as a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed strategy.

Reason - To ensure that surface water drainage is properly dealt with.

#### Notes to Applicant

- . 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.
- . 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 appropriate wildlife legislation.

## **PROPOSAL**

This planning application seeks permission for a change of use of an agricultural field to a playing field on land to the south of King Georges Playing Field, Trull. The submitted plans show the removal of an existing boundary hedge and its

translocation to the South Eastern corner of the site.

The application also seeks consent for the erection of a pavilion on the existing playing field to the South of the Village Hall. Vehicle access would be provided through the existing Village Hall car park and a new 4.8 wide access with footway/cycleway would be provided between the village hall and the private dwelling known as Cherry Orchard. This would require the removal of a pre-fabricated garage, tree and short section of hedgerow. The submitted plans show a parking area for up to 14 vehicles included 2 disabled spaces.

The submitted plans also show the location of sports pitches (cricket and junior football pitch) as well as the relocation of children's play equipment. It should be noted that the position of the sports pitches is something that does not normally require planning permission and they can normally be located in any position on a playing field.

The application has been submitted by Trull Parish Council.

## **SITE DESCRIPTION AND HISTORY**

Both the existing playing field (where the pavilion is to be located) and the proposed extension to the playing field is in the Vivary Green Wedge. The site is generally surrounded by development other than the south eastern side which faces onto the Sherford Stream. A field hedge currently separates the existing and proposed playing field and the site is generally well screened by the trees that grown the stream.

The site is sloping with the higher ground on the west and gently falling away to the east.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*TRULL PARISH COUNCIL* – No comments received as the Parish Council is the applicant.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Refer the Council to Standing Advice

*DIVERSIONS ORDER OFFICER - Mr Edwards* – comments

Steps must be taken to safeguard the public rights of way shown T21/72 and T21/75 on the Definitive Map.

Application should be made to SCC Rights of way Section for change of surface to accommodate access by vehicles to the proposed parking area.

### *LANDSCAPE* – comments:

The loss of the existing central hedgerow will have significant local impact but it's loss is contained within a very local area. The hedgerow is not protected by the Hedgerow Regulations and therefore its main impact would be ecological rather than visual. Dormice have not been identified as an issue. Details of the proposed cycle/footpath should be provided and measures taken to avoid damaging existing tree roots. The proposed development would not conflict with policies CP8, DM1, DM2 and DM4

### *LEISURE DEVELOPMENT* – observations:

The provision of a sports pavilion and activity hall is to be welcomed however part of the proposal does not appear to comply with Sport England Pavilions and Club Houses Design Guidance.

Under the Guidance the pavilion should make provision for an officials changing room of at least 5m<sup>2</sup> with shower, wash basin and bench space. The entrance should have an entrance lobby to avoid entry directly into a corridor. The changing rooms which should be a minimum of 15m<sup>2</sup> for Cricket and 16m<sup>2</sup> for Association Football should have sight screens or a lobby to deny views in. A cleaner's cupboard should also be provided within the building. I note a store is being provided but this appears to be accessed by stairs which is not ideal for access to large items of cleaning equipment.

I have concerns regarding the relocation of the children's play area. Children playing and not actually playing a game of cricket could be put at risk due the distance of the cricket square from the proposed play area site. At Vivary Park the children's play area is approximately 68 metres from the middle of Taunton Deane Cricket Club's cricket square. Cricket balls landed within the play area from this distance, which lead to a 10 metre high fence being erected to prevent injury. The distance from the middle of the Trull cricket square to the proposed location for the children's play equipment would appear to be approx 6metres and it is therefore likely that cricket balls could land within the proposed play area relocation site.

### *SCC - FLOOD RISK MANAGER* – comments

The site is adjacent to the Sherford Stream and any surface water discharge from the site must not increase above the greenfield rate. The application states that discharge will be to soakaway but gives no details of any site investigation to determine whether this will be feasible.

Approval, if granted, should be conditional on the approval of a sustainable drainage system for the building, access and parking area before construction can commence.

The drainage system must be designed to deal with the run-off for up to the critical 1% annual probability (1 in 100 year) flood event, including an allowance for climate

change. Calculations must be submitted to demonstrate this.

*BIODIVERSITY* – comments:

The application is for the change of use of land to form an extension to the playing field and erection of a pavilion at King George's playing field, Trull. The application involves the translocation of a 170 m section of native hedge. Michael Woods Associates inspected the hedgerow in December 2012 and produced a report

During the inspection of the hedgerow no evidence of dormice was found. Patches of hazel were identified within the hedgerow however no nuts were found opened by dormice. Three old birds' nests were found.

Connecting habitat to the east was also inspected (a short section to the north and approximately 50m to the south). There was no connecting habitat to the west. Based on the thorough inspection which was undertaken and lack of evidence of dormice found from their active season, it is therefore considered highly unlikely that any hibernating dormice would be present. The hedgerow was also considered to be at the edge of possible dormouse habitat range at the edge of the village of Trull.

The surveyor recommended a precautionary clearance approach

1. The hedgerow should be cleared over winter using hand held machinery, with stumps left at approximately 300mm – 500mm above ground level. This will ensure that later removal will not conflict with nesting birds.
2. All cut brush should be removed from site or burnt to ensure that it does not become wildlife habitat in its own right.
3. The hedgerow root balls can then be translocated after Spring to habitat at the edge of the site to ensure no net loss of hedgerow in addition to maintaining the local flora.

I agree with the findings of the report and agree that a precautionary approach to hedgerow removal and proposed landscaping will be needed.

Suggests condition for protected species:

*SCC - RIGHTS OF WAY* – comments:

Any proposed works must not encroach on to the width of the footpath.

Footpath T 21/75 would be obstructed by the proposal and will need to be diverted. The right of way will need to remain open and available until the (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. We would request to be consulted on the surface of any diverted public right of way.

If the route is to be diverted, this will be dealt with by Taunton Deane District

Council.

We would request improved surfacing of the existing rights of way through and abutting the development. Associated infrastructure (eg. fencing) may be required. Authorisation for such works must be obtained from SCC Rights of Way Group.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the cyclepath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the cyclepath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public cyclepath unless the driver has lawful authority (private rights) to do so.

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

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

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086

*DRAINAGE ENGINEER* – Comments:

I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Regulation Digest 365 (September 1991) and made a condition of any approval.

*ENVIRONMENT AGENCY* – no objection

## **Representations**

14 letters received which include a mix of COMMENT and OBJECTION

- No objection to the pavilion but there should be no car park and it should remain a green field.
- Noise and disturbance from the access track, right next to a residential property.

- Risk of flooding the neighbouring property from access tract as it would increase hard surfaces and remove existing grass.
- Shading of existing hedgerow by proposed trees and position of any mobile sight screens.
- Position of the proposed football pitch alongside the perimeter of the field could result in disturbance to existing residents
- If a cricket pitch is provided, there would less open space for children to play (when matches are on)
- It will be dangerous for children to play when cricket matches are on.
- The existing playing field is not used so why do we need further expansion
- Agricultural land will be lost
- The existing children's play area is too small and needs to be bigger to accommodate the needs of the village
- A community orchard should be included.
- Where is the vehicle access?
- Construction plant should not access the site from the current emergency vehicle access (private lane) as it is unsuitable.
- The trustees of the Trull Memorial Hall will not approve any pedestrian or vehicle access via any Memorial Hall land without full consultation.
- Existing shed to the rear of Trull Memorial Hall would be lost which is currently used for costume storage.
- No objection but note that the dwelling known as Taringa is on a private road and there is no public right of access to the site – vehicle access must continue from the east

1 letter of SUPPORT

- Support the new pavilion which could be used by the scout group

## **PLANNING POLICIES**

CP8 - CP 8 ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM2 - TD CORE STRATEGY - DEV,  
 DM4 - TD CORE STRATEGY - DESIGN,  
 C3 - TDBCLP - Protection of Recreational Open Space,  
 C5 - TDBCLP - Sports Centres,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Principle of the development and change of use

Policy CP8 of the Core Strategy seeks to protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks

between settlements. One of the key policy objectives of the green wedges is to provide accessible formal and informal recreation sport and play. The extension of the existing playing field would result in the loss of agricultural land and an existing field boundary, however it is considered that the provision of a larger playing field which is publicly accessible compensates for that loss.

It is not unusual to have recreational areas within the green wedges and they can provide a positive approach to land use. It is acknowledged that the erection of a pavilion building and car park would result in a net loss of green space, however the net gain in publicly accessible playing fields weighs in favour of the proposal.

### Landscape considerations

The proposal would result in the loss of an existing hedgerow which would be relocated to the south west of the site. This would reinforce an existing strong boundary to the Sherford Stream and also retain the mix of hedgerow species. A short section of hedgerow is also proposed to be removed between the rear of the Village Hall and the existing playing field. This would be required to provide the proposed car park and access vehicle access, but would not have a significant adverse impact on the character of the area.

### Rights of Way

There are existing rights of way which cross the northern, eastern and western boundaries of the playing field. The submitted plans show the potential improvements and slight diversions of the routes. Separate consent would be required to divert a public right of way and it is considered that the proposals would not make them less convenient for public use. In fact, the proposals will include additional links between the rights of way which would improve connectivity

### Parking

The application includes a car park with 14 spaces for the proposed pavilion. This is considered to be sufficient for the development although it is slightly disappointing to lose green space to car parking. Alternative proposals for off-site parking on the existing village hall car park have not been put forward and an assessment as to whether there is a need for additional on-site parking has not been made. There is however a requirement to determine the application as submitted and the loss of green space to parking is offset by the increase in the size of the playing field.

### Layout of site and building

The comments received from Leisure Development and members of the public regarding the position of the pitches and proximity of the relocated children's play area are noted, however the planning application is for the change of use of the land. Planning permission does not normally extend to controlling the position and marking out of playing pitches. This is best controlled through the management of the play space and in this case, it would be for the Parish Council to undertake



appropriate risk assessments and manage the layout of the playing fields and when the activities take place.

Likewise, the internal layout and size of the pavilion building is not normally controlled through the planning regulations. It is accepted that the Sport England Pavilions and Club Houses Design Guidance gives best practice, but it is not a determining issue in this case. It would not be appropriate to refuse planning permission because a development did not meet another organisations suggested best practice.

### Vehicle Access

The proposed vehicle access into the site would pass directly alongside a residential dwelling which is on lower ground. Vehicle movements along the side boundary of this property would result in an increased disturbance than at present and this is a material consideration. Vehicle speeds are likely to be slow and the frequency will depend on the seasonal use of the building and car parking available. There is 1 small secondary window in the first floor of the side elevation of the dwelling. The remaining of the side elevation is blank and it is therefore considered that disturbance to the inside of the house would not be significant. While the front and rear gardens of the dwelling are in use, there would be greater disturbance than at present. However it is not unusual to have access drives or roads along a side boundary and given the likely number of vehicle trips to and from the pavilion, this disturbance would not result in a significant loss of residential amenity.

It is important to get full details of the construction of the access road to ensure that it is properly drained without impacting on the neighbouring dwelling and also to ensure that there are no speed bumps that would cause vibrations to the neighbouring property. These details could be secured by a planning condition.

### Conclusion

The principle of development is acceptable and the proposal would not have an adverse impact on the green wedge. The proposed relocation of the hedge would partially mitigate against its loss and the increase in size of a publicly accessible playing field weighs in favour of the proposal. The development is considered not to have any significant adverse impact on residential amenity and it is recommended that permission is granted subject to conditions.

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

**CONTACT OFFICER: Mr B Kitching Tel: 01823 358695**

43/13/0097

PERSIMMON HOMES (SW) LTD

**VARIATION OF CONDITION NO. 10 OF APPLICATION 43/10/0127 TO ALLOW A FABRIC FIRST APPROACH TO REDUCING ENERGY DEMAND SEEKING MORE ENERGY EFFICIENT BUILDINGS RATHER THAN PROVIDING ON SITE RENEWABLE AT LAND AT CADES FARM, OFF TAUNTON ROAD, WELLINGTON**

Location: CADES FARM, TAUNTON ROAD, WELLINGTON, TA21 9HG

Grid Reference: 314811.121053

Removal or Variation of Condition(s)

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to a S106 agreement bringing the obligations on planning permission 43/10/0127 forward to any new permission.

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

1. 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 for the first phase of development (as agreed by condition 3 below) shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

Application for approval of the reserved matters for the final phase of development (as agreed by condition 3 below) shall be made to the Local Planning Authority not later than the expiration of five years from the date of this permission.

The development of each phase hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters for the phase to which it relates or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004) and to ensure that development progresses in a timely manner as this permission is granted contrary to the development plan in order to secure the delivery of housing.

2. The development hereby permitted shall be carried out in accordance with those plans permitted under application 43/10/0127 and those subsequently submitted to and approved pursuant to condition 1.

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

3. The phasing program approved pursuant to condition 3 of planning permission 43/10/0127 shall apply to this planning permission.

Reason: To allow efficient management of the development and a phased submission of reserved matters and discharge of conditions where appropriate.

4. The surface water drainage masterplan submitted to, and agreed in writing by, the Local Planning Authority pursuant to condition 4 of planning permission 43/10/0127 is approved for this planning permission. The development shall be implemented in accordance with the approved scheme.

Reason: To prevent the increased risk of flooding as a result of the development.

5. Surface water shall not be allowed to discharge from any private drives onto the public highway and details of how such will be achieved shall be submitted to and approved with any reserved matters application made pursuant to condition (1). The agreed details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be retained as such.

Reason: In the interests of highway safety.

6. Prior to the commencement of any phase (as agreed pursuant to condition 3) of the development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The site investigation results and the detailed risk assessment (b) 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.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters and ensure the appropriate remediation of the land.

7. Before any phase (as agreed pursuant to condition 3) of the development commences (including site clearance and any other preparatory works) a scheme for the protection of trees and hedges within that phase 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 for that phase or until such time as may otherwise be 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: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

8. The development shall provide public open space and children's play facilities in accordance with the details indicated on the parameters plan (Drawing 400-001 Rev H permitted pursuant to planning permission 43/10/0127) hereby permitted. Full details of the open space, including any required children's play equipment, benches, bins or any other required paraphernalia shall be submitted to and approved in writing by the Local Planning Authority as part of the details required pursuant to condition (1) with the phase (as agreed pursuant to condition 3) to which it relates. The open space and any associated equipment shall be fully provided and operational prior to the occupation of 75% of the dwellings within the phase to which it relates and shall thereafter be maintained as such.

Reason: To ensure that the required public open space is provided, to meet the needs of the residents of the new development.

9. Details of the proposed street (and other external) lighting for the development shall be submitted to and agreed by the Local Planning Authority as part of the details submitted pursuant to condition (1).

Reason: To ensure that the street lighting is designed in such a way that the favourable conservation status of dormice is maintained.

10. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or there shall be a 10% reduction in the energy consumption of the dwelling when compared to the Building Regulations prevailing at the time of the commencement of the development. Details and a timetable of how this is to be achieved, including details of physical works on site shall be submitted to and approved in writing as part of the reserved matters submission pursuant to condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the environmental impact of the development and promote the use of renewable energy.

11. No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding as a result of the development.

12. The eastern and western basins shall be constructed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development of the phase(s) to which they relate and shall thereafter be maintained as such.

Reason: To enhance the biodiversity value of the site.

13. The Landscape and Wildlife strategy submitted to and approved in writing by the Local Planning Authority pursuant to condition 13 of planning permission 43/10/0127 is hereby approved for this planning permission.

The required 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. No phase (as agreed by pursuant to condition 3) of the development shall be occupied until the scheme for the maintenance and provision of the new bird, dormice and bat boxes and related accesses relevant to that phase have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To ensure that wildlife interests are properly protected on site and to ensure that the favourable conservation status of dormice and bats is maintained.

14. The management strategy for the retained hedgerows approved pursuant to condition 14 of planning permission 43/10/0127 is hereby approved for this planning permission and shall hereafter be strictly adhered to.

Reason: To ensure that the hedgerows are properly managed in perpetuity in order to maintain the Favourable Conservation Status of dormice.

15. For any phase of the development (as agreed pursuant to condition 3) the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details that shall first have been approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction, shall be submitted to the Local Planning Authority.

Reason: To ensure that the adequate facilities are available for the traffic likely to be attracted to the site.

16. (i) The landscaping/planting scheme shown on any plans submitted and agreed in respect of condition (1) shall be completely carried out within the first available planting season from the date of commencement of the phase (as agreed pursuant to condition 3) of the development to which it relates.

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area.

17. No more than 150 dwellings shall be occupied until the link to Gay Close

detailed on Drawing Number 2371.06B permitted pursuant to planning permission 43/10/0127, or some other drawing as may have first been agreed in writing by the Local Planning Authority, has been fully implemented and is capable of use.

Reason: To ensure that an emergency access and sustainable travel links between the site and surrounding area are available for users of the development, in accordance with Policy S1 of the Taunton Deane Local Plan.

18. In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars as agreed in respect of condition (1); and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the completion of the phase to which it relates.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place within 12 months of its destruction or death. The species and size of that replacement tree shall first have been agreed 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.

Notes to Applicant

## **PROPOSAL**

This application seeks to vary condition 10 of planning permission 43/10/0127. The permission is for the residential development of Cades Farm and condition 10, in essence, requires 10% of the energy requirement for the development to be provided by on-site renewable or other decentralised low carbon sources.

The application seeks to vary the condition to require provision of more energy efficient buildings than would otherwise have been built in lieu of the on-site renewable energy generation. A report submitted with the application identifies that this could be achieved through measures that would result in a 12% reduction in CO<sub>2</sub> emissions when compared to the permitted scheme.

The applicant has confirmed that they are not seeking approval for the measures contained within the report, but that the report provides a suggestion of how a 10% reduction in energy demand from the National Grid could be achieved.

## **SITE DESCRIPTION AND HISTORY**

Planning permission was granted under application 43/10/0127. The first phase of reserved matters, currently under construction, was approved under application 43/12/0103.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – No comments received.

*WELLINGTON TOWN COUNCIL* – Recommend that the application be REFUSED for the following reasons:

1. The Town Council saw no reason to defer from the condition originally imposed.
2. The proposal did not show a greater overall gain in energy efficiency.

### **Representations**

One letter of OBJECTION raising the following issues:

- It appears that the original application is being changed bit by bit to become a completely new entity than the one given permission.
- To make the houses more thermally efficient is to be commended, but it does not mean that this will actually be achieved – that will depend on the individuals that inhabit the houses. However, renewable generation will be on-going and benefit the country in reducing carbon emissions.

## **PLANNING POLICIES**

W1 - TDBCLP - Extent of Wellington,  
STR2 - Towns,  
STR4 - Development in Towns,  
W3 - TDBCLP - Cades Farm Housing Allocation,  
H9 - TDBCLP - Affordable Housing within General Market Housing,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
EN28 - TDBCLP - Development and Flood Risk,  
EN12 - TDBCLP - Landscape Character Areas,  
ROW - Rights of Way,

## **LOCAL FINANCE CONSIDERATIONS**



None.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issue is whether the required energy efficiency gains can be met through improvements to the existing fabric of the building or whether the provision of on-site renewable energy generation should still be insisted upon.

Following scrutiny of the report, in consultation with Building Control officers, it is accepted that the methods stated would result in at least a 10% reduction in energy required to the dwelling for space heating requirements. However, this does not necessarily automatically translate to a 10% reduction in energy demand because energy is required for more things than just space heating. With modern dwellings being reasonably efficient in any case and an increase in energy being required for electrical products, a greater proportion of energy is required for electricity generation than in the past, even if this does not yet fully equate to or exceed the requirement for space heating. However, the submitted report is not seeking approval for the methods of complying, it is merely supporting the application by providing a suggestion of methods for reducing energy demand. The detail can be re-appraised when it is submitted in accordance with the condition.

The provision of energy from decentralised renewable sources has a benefit beyond a pure reduction in energy demand. It places less reliance on the national grid, which itself still relies heavily on non-renewable sources, and makes individual communities more resilient to increases in energy prices and global fuel supply issues. Your officers, therefore, do not agree that a 12% reduction in the energy requirement for the dwelling effectively has the same effect, although it may be similar in terms of energy demand from the National Grid.

The condition was imposed both to reduce the impact of the development on the environment and to promote renewable energy. It could only, possibly, continue to meet the first of these aims if it were varied in the way sought. As noted in third party representations, energy efficient buildings (in terms of space heating, at least) need to be properly understood in order to result in proper energy gains. For example, the benefits may only be beneficial if windows are not left open and if the heating systems are used correctly. So much is, therefore, dependant on the behaviour of the end user, whereas the presence of renewable energy sources supplying the home cannot fail to reduce the overall energy demand of the home, whatever the behaviour of its occupants.

It is clear from the above, that on simple facts, the proposal is somewhat balanced and could be argued either way. However, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The relevant policy is DM5 of the Core Strategy. Policy DM5 cannot be properly implemented through the development management process until an SPD is produced. This is made quite clear in the supporting text and this is the reason why similar conditions have not been imposed as a matter of course on permissions granted after adoption of the Core Strategy.

In any case, the principles of DM5 should inform thinking on the current application and it is clear that it favours an approach where building efficiency is improved above any beyond the provision of on-site renewable energy. It would be very

difficult to argue, in the context of DM5, that on-site generation should be favoured. The flexible approach proposed is, therefore, considered to be acceptable and it is recommended that planning permission is granted.

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

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

TAUNTON DEANE BOROUGH COUNCIL

**ERECTION OF 7 No AFFORDABLE DWELLINGS WITH ASSOCIATED ACCESS, BIN AND CYCLE STORE, PARKING AND LANDSCAPING ON LAND ADJACENT TO NEW ROAD, WEST BAGBOROUGH**

Location: LAND ADJACENT TO NEW ROAD, WEST BAGBOROUGH,  
TAUNTON, TA4 3EW

Grid Reference: 316185.133294

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the applicant entering into an appropriate legal agreement to secure:

- £2,904.00 for each 2+ bed dwelling for children's play facilities within the vicinity of the development.
- £1,571.00 per dwelling towards active outdoor recreation.
- £209.00 per dwelling for allotment provision.
- £1,208.00 per dwelling towards community hall provision.

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

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

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

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

(A1) DrNo 3236/001 Rev B Proposed Elevations and Floor Plans for Plots 1-4  
(A1) DrNo 3236/002 Rev B Proposed Elevations and Floor Plans for Plots 5-7  
(A4) DrNo 3236/003 Location Plan  
(A3) DrNo 3236/004 Rev B Block Plan  
(A3) DrNo 3236/005 Bin and Bike Store  
(A3) DrNo 3236/006 Rev D Proposed Site Layout  
(A3) DrNo 3236/007 Site Sections

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

3. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (as amended), no windows or other form of opening shall be introduced into the north-eastern elevations of either unit 1 or unit 7 without the prior grant of planning permission in that behalf.

Reason: To protect residential amenity.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the amenities of the area, and to accord with policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development) whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area, and to accord with policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.

6. The proposal hereby granted shall be carried out strictly as specified in the 'Conclusions and recommendations' proposed in the 'Ecological Appraisal' prepared by 'greenecology', and dated July 2012 and the subsequent 'Reptile survey results and mitigation strategy dated 19th August 2013. This document forms part of the permission hereby granted and the further survey work it requires and the timing for works specified will need to be carried out in full as stated under the supervision of a competent and suitably qualified expert.

Reason: To ensure that all ecological matters are appropriately addressed and taken account of as required by European and National legislation and to ensure accordance with the National Planning Policy Framework and the adopted Taunton Deane Borough Council Core Strategy Policies CP8 and DM1 (c).

7.
  - (i) Any work carried out to trees to be retained on site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard.
  - (ii) The development hereby approved shall not commence, and no materials shall be brought onto site, until all the trees to be retained on

site are protected by fencing as per BS 5837: 1991. This will either be chestnut pale fencing or a scaffold structure 2.4 metres high supported durable man-made sheeting (either plywood or OSB of an exterior grade). Chestnut pale fencing will be to BS 1722: Part 4: 1989, as a minimum standard. This will consist of 1.200 mm pales, wired together as per standard, supported on three line wires, secured to fencing posts to a minimum standard of: 1800 mm long, 7 mm (3") top, driven 500 mm into the ground. In addition, straining posts, 1800 mm long by 100 mm (4") top, strutted where a change of direction occurs, will be installed at all ends and corners, at changes of direction, or acute changes of level, and at intervals no exceeding 50 m in straight lengths of fence. The fence will be installed upright, with all posts firmly bedded in the ground and line wires tensioned, and shall be maintained in such a condition throughout the duration of the development.

- (iii) The fence shall be installed no closer to the trunk of the retained tree than the edge of the drip line of the canopy or a distance equivalent to half the height of the tree, whichever is the greater.
- (iv) The area beneath the tree and between the trunk of the tree and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees shall be allowed onto the fenced area.
- (v) No trenches for service runs, or any other excavations shall take place within the fenced area.
- (vi) No soil or other surface material shall be removed from the fenced area except by written permission of the Local Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree roots.

Reason: To ensure that all existing trees on the site are adequately protected while development is in progress, and to accord with policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.

- 8. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the dwellings 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 retained Policy M4 of the Taunton Deane Local Plan.

- 9. Prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved by the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning

Authority.

Reason: In order to reduce surface water run off and inappropriate discharge into nearby water courses in accordance with the National Planning Policy Framework and policy CP1(C) of the adopted Taunton Deane Core Strategy

*PLEASE NOTE THAT THIS CONDITION MAY NOT BE REQUIRED IN THE EVENT OF PRE-COMMITTEE AGREEMENT ON THE ISSUE.*

10. The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess this element of the proposal and ensure that the development does not prejudice the character and setting of the existing building, and the area in general.

11. The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved by the Local Planning Authority. The dwellings shall not be occupied until these have been provided in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess this element of the proposal, and ensure that the scheme is completed such that there will not be any adverse affect on any neighbouring property.

12. The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum.

Reason: To enable the Local Planning Authority to fully assess the impact of the proposal and ensure a satisfactory form of development that is in keeping with the area.

13. Prior to the commencement of development the history and current condition of the site shall be investigated to determine the likelihood of the existence of contamination arising from previous uses. The applicant (or subsequent owner of the site) shall:

- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

- (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
- (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the implementation of the use hereby approved by the Local Planning Authority, in accordance with policy CP 8 and DM 1 of the adopted Taunton Deane Core Strategy.

*PLEASE NOT THAT THIS CONDITION MAY NOT BE REQUIRED IN THE EVENT THAT THE E.H. OFFICER ACCEPTS THE LAND CONTAMINATION ASSESSMENT.*

#### Notes to Applicant

1. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
3. **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.

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 Governments advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

## **PROPOSAL**

Permission is sought for 7 affordable dwelling units on land of approximately 0.25 hectares in size. This equates to about 28 dwellings to the hectare. The units are arranged in terraced form, with units 1 to 4 at the front facing the New Road in a similar position to the neighbouring existing dwellings, and units 5 to 7 to the rear and parallel. The units at the front are shown with rendered walls under a pantile roof to match the neighbouring dwellings. The units at the rear are finished with brick. The materials have been purposely chosen to compliment the village character, as does the simple and understated external appearance. The scheme proposes a mixture of 1, 2, 3 and 4 bedroomed properties. A separate cycle/bin store is provided. Access to the site is gained through the driveway serving the industrial units. The site is shown served with 14 parking spaces (2 spaces per dwelling),

## **SITE DESCRIPTION AND HISTORY**

The site lies at the western end of the village, but is still within the settlement boundary. The whole village is within the Quantock Hills Area of Outstanding Natural Beauty. The site comprises approximately 0.25 hectares of land, and was previously used in connection with an adjacent underground reservoir. To the north of the site is a terrace of render dwellings (7 - 10 Vale View, New Road, incl.). To the south lies a row of brick business units which is separated from the proposal site by its service area including parking. There are trees existing on the site, but none of these are the subject of a Preservation Order. The site lies adjacent to open agricultural fields to the east and to the west on the other side of New Road.

This proposal was the subject of a pre-application enquiry in June of this year, where the case officer supported the proposal subject to some minor elevational alterations, further research on trees, cross sections through the site, Highways advice on access and parking, and a planning obligation.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WEST BAGBOROUGH PARISH COUNCIL –*



Supports the granting of permission

*SCC - TRANSPORT DEVELOPMENT GROUP –*

Observations awaited.

*WESSEX WATER –*

Advises that new water supply and waste water connections will be required from Wessex water. It appears that the proposal would affect existing water mains/public sewers within the land, and building over it, or within 3 metres of it, will not be permitted without agreement. They draw attention to the potential impact of tree planting on access to public sewers and water mains. A separate system of drainage will be required to serve the development.

*DRAINAGE ENGINEER –*

Notes that the FRA proposes to discharge surface water to Wessex Water Authority sewers. He is not happy that no investigation appears to have ascertained whether or not a controlled discharge could be made to a watercourse. Until such investigation has occurred, he maintains an objection.

*LANDSCAPE –*

Subject to suitable landscaping the proposals are acceptable.

*THE QUANTOCK HILLS AONB SERVICE –*

Observations awaited.

*HOUSING ENABLING –*

Supports the application as the development will provide a wide range of high quality affordable homes reaching Code for Sustainable Homes Level 4 and 'lifetime homes' principles to meet an identified housing need.

*HOUSING STANDARDS –*

All rooms should comply with the HCA space standards.

*LEISURE DEVELOPMENT –*

In accordance with retained Local Plan Policy C4, provision for play and active recreation should be made for the residents of the proposed dwellings.

Contributions will be required as follows:-

- £2,904.00 for each 2+ bed dwelling for children's play facilities within the vicinity of the development.
- £1,571.00 per dwelling towards active outdoor recreation.
- £209.00 per dwelling for allotment provision.
- £1,208.00 per dwelling towards community hall provision.

#### *BIODIVERSITY –*

Notes the submission of both an ecological appraisal of the site and a reptile survey. The surveys noted several common garden birds and recommends that vegetation removal should only take place outside of the breeding season. No evidence of badgers was found on site. the building on site was deemed unsuitable for roosting bats although the hedges on site are likely to be used by foraging and commuting bats. Some slow worms have been found on site in August 2013. The western roadside hedge is likely to have moderate potential for dormice. The recommendations made to compensate for loss of habitat and enhance the wildlife potential of the site are supported. Conditions have been suggested to ensure these measures are carried out.

#### *ENVIRONMENTAL PROTECTION TEAM –*

Notes that part of the site for the development is shown on maps as a sewage works. Therefore, recommends that the prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. A condition to this affect is suggested.

Since that comment a geotechnical and geo-environmental assessment has been prepared which concludes that the site does not pose a risk to human health and that no remedial measures are required with respect to soils or the water environment. EHo have been asked for their further comments on this document.

#### *S.C.C. (CHIEF EDUCATION OFFICER) -*

Observations awaited, particularly in respect of the need (or otherwise) for contributions towards educational facilities.

#### **Representations**

1 letter of NO OBJECTION received.

#### **PLANNING POLICIES**

AONB - Area of Outstanding Natural Beauty,  
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
CP4 - TD CORE STRATEGY - HOUSING,

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM4 - TD CORE STRATEGY - DESIGN,  
DM5 - TD CORE STRATEGY - USE OF RESOURCES AND SUSTAINABLE  
DESIGN,  
M4 - TDBCLP - Residential Parking Provision,  
EN6 - TDBCLP -Protection of Trees, HISTORIC,

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 9,513
Somerset County Council (Upper Tier Authority)	£ 2,378

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£57,081
Somerset County Council (Upper Tier Authority)	£14,270

## **DETERMINING ISSUES AND CONSIDERATIONS**

The application site comprises approximately 0.25 hectares of previously developed land located to the east of New Road on the south western outskirts of West Bagborough. The location is characterised largely by post war and modern development consisting of semi-detached and terraced buildings with rendered elevations. The application site comprises redundant land previously used in connection with an adjacent underground reservoir. It is currently overgrown with weeds and shrubs and is of little amenity value within the street scene.

The purpose of the application is to provide a variety of modern affordable housing units, which will be made available to rent to the surrounding community. All Life Time Home requirements have been met; along with a ground floor flat which shall meet strict criteria in place for disabled units. The development will achieve Level 4 of the Code for Sustainable Homes. The proposal is for two x 1-bed units, two x 2-bed units, two x 3-bed units and one x 4-bed unit. The layout of the scheme has been driven by the existing settlement pattern in the south western part of West Bagborough, which is characterised by terraces fronting the highway with a recessed building line set back considerably behind long front gardens/open areas. Accordingly, plots 1 – 4 comprise a terrace set back from the highway to respect the recessed building line of neighbouring properties to the north. Plot 1 has a large front garden, replicating the open character of the neighbouring 6 dwellings. The retention of the covered reservoir provides an intervening open area between plots 2 – 4 giving a similar effect. All of the proposed dwellings are two storeys in height, which provides an immediately recognisable and appropriate building scale. The

ridge height and floor levels have been designed so that the ridgeline of the buildings step down below the existing terrace of houses to the north following the natural lie of the land. The proposed dwellings have been designed to compliment the village character. The architecture reflects simple rural cottages using materials prevalent within the local area, including red brick, render and brick detailing.

### The Principle of Development.

The application site comprises previously-developed land within the settlement boundary of West Bagborough, as designated by the Development Plan. The site location is recognised as being suitable for small scale proposals within the settlement limit by Policy SP1 of the Core Strategy. Although at the edge of the settlement boundary, the site is located within reasonable proximity of the limited services and facilities within the village.

Although the land has been previously used/developed, independent analysis concludes that there is no pollution or environmental reason why new housing development should not proceed. Re-use of brownfield land is generally considered to be preferable to the use of greenfield sites, and in this instance, there are no environmental considerations that would indicate otherwise.

The site is adjacent to other residential properties to the north, and although there is employment uses (small business units) to the south, it is not considered that either relationship would preclude residential development.

Therefore, on all of the primary issues of principle, the proposal is acceptable.

### Housing Need.

The proposal is for Council housing and will make a valuable contribution to the housing stock within the village, providing 7 affordable dwellings to suit a variety of needs for local people in accordance with adopted Core Strategy Policies CP4 and CP5. Whilst need is not a primary planning consideration, in this instance, the proposal does meet needs identified by the Council and is in line with national and local planning policy. Therefore, the need should be supported, subject to other planning considerations.

### Visual Impact.

The site itself is currently well screened by existing trees and hedging. Subject to an agreed landscaping scheme to ensure retention and enhancement of the trees and hedging, the proposed new development would have very little visual impact upon the village. It would in any event continue the existing residential layout that stretches down New Round and the houses have been designed to blend in with the established design ethos of the neighbouring dwellings. For these reasons It is considered that the proposed dwellings would not look out of place, would sit comfortably within the rural street scene, and would safeguard the character of the village. Although the village is within the Quantock Hills A.O.N.B., its position within and as part of the established built framework of the village, is not considered to be

detrimental to the wider landscape setting for which the A.O.N.B. is designated. Therefore on visual impact grounds, the proposal is considered to be in accordance with policies CP8 and DM1(d) of the adopted Core Strategy.

### Residential Amenity.

The property adjacent, 10 Vale View, New Road, is the dwelling most likely to be affected by this proposal. Plot 1 within the proposed layout would lie in close proximity to the side wall of the existing dwelling to the north, approximately 3.25 metres (wall to wall). There are two windows (one at ground floor and one at first floor) within the side wall of no 10 which would face the proposed unit at no. 1. However, the proposed new facing dwelling has been designed without any windows in its side elevation and this clearly responds positively to any potential for overlooking. It is not clear what rooms these 2 existing windows serve or whether indeed they are secondary windows. However I am satisfied that there would be no significant loss of light, even though the new build would be to the south, as the distance and alignment of the new build would allow for natural daylight to enter the windows. There would clearly be no loss of privacy as there are no windows proposed facing. There is some limited potential for overlooking across the rear gardens of the established terrace from the proposed new terrace of dwellings proposed at the rear of the site. However, these have again been designed without any openings on the end wall facing, and so I consider that any overlooking potential as being very limited. Given the safeguards built into the design, I consider that the proposal meets the tests of privacy and amenity required by policy DM1 of the adopted Core Strategy.

### Highways

It is proposed to access the site by using the existing access from serving the industrial units to the south. This has adequate visibility onto New Road, as it was designed to cater for larger commercial vehicles movements. The amount of additional car traffic likely to be generated from this modest development will not cause capacity problems on the access road or the surrounding highway network. At the time of compiling this report, the highways observations from S.C.C. were still awaited, but it is not expected that they will be adverse. The comments will be reported to Members on the update sheet at the Planning Committee.

### Parking.

14 No. parking spaces are proposed for the development which equates to 2 spaces per dwelling. There is a discrepancy between the retained local plan policy M4 and the optimum level of parking provision sought by the Somerset County Parking Strategy (2012). Whilst the proposal does not quite meet the optimum provisions of the Somerset County Parking Strategy, in this location and given the tenure of the proposed development, it is considered that two spaces per dwelling is satisfactory and would cater for likely demand.

### Trees/Landscaping.

The application is accompanied by an arboricultural assessment. Those trees along the roadside boundary are retained by the proposals in order to provide effective screening in the street scene. The trees indicated for removal at the rear of the site have been agreed with the Council's tree officer. Scope exists for new planting within the development to mitigate for the loss of these trees, which can be secured by a suitably worded planning condition.

### Ecology.

The accompanying ecology report identifies that the site will have some but limited impact upon protected species and their habitats. Further survey work in relation to reptiles and bats is recommended. A further reptile survey has been undertaken which identified the presence of slow worms over the survey period. A short mitigation strategy has been prepared and submitted to address this low potential for reptile presence on site. The Council's Biodiversity Officer has subsequently advised that no further bat surveys are necessary. In summary, and taking on board all of the information submitted, it is considered that the recommendations made to compensate for loss of habitat and enhance the wildlife potential of the site are sufficient (if applied to any decision to approve) such that there would be no harm caused to biodiversity. This would then meet the requirements of policy CP8 in the adopted Core Strategy.

### Drainage.

It has not been concluded that the site is incapable of being satisfactorily drained. However, the Council's drainage engineer would prefer to see surface water discharged in a controlled manner to an existing watercourse, rather than to the Wessex Water Infrastructure. Negotiations are on-going in this regard. If the matter cannot be resolved before Members formally consider the application, then it would be appropriate to place a condition upon any grant of approval to ensure that the matter was concluded satisfactorily before occupation of any of the units.

### Planning Obligation.

A contribution is required towards leisure development, and the details of this have been outlined above. The Council's Solicitor is currently negotiating with a view to having the required Planning Obligation completed and signed before the matter is considered by Members.

### Conclusions.

The proposed development will provide much needed affordable housing in a well designed manner that will safeguard the character and amenities of the area. The proposal meets both national and local policy tests, and is considered acceptable in principle. Subject to the signing of a legal agreement, to secure a financial contribution for off-site facilities and the imposition of appropriate conditions, the proposal is considered acceptable and is recommended for approval.

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

**CONTACT OFFICER: Mr J Burton Tel: 01823 356586**

48/13/0051

MR & MRS N CAVILL

**ERECTION OF TWO STOREY EXTENSION TO SIDE AND PORCH TO FRONT OF  
2 HILL FARM COTTAGES, WEST MONKTON**

Location: HILL FARM WEST, 2 HILL FARM COTTAGES, YALWAY ROAD,  
WEST MONKTON, TAUNTON, TA2 8LW

Grid Reference: 325221.129165 Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

The existing cottage is of traditional character and scale, typical within the countryside landscape. The proposed side extension, by virtue of its size, scale and design is considered to dominate the traditional cottage to the detriment of the existing form of the dwelling and unbalance the appearance of the semi-detached properties, resulting in harm to the appearance of the rural landscape. As such, the proposal is contrary to Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

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

Notes to Applicant

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

**PROPOSAL**

The property is a brick and tile semi-detached cottage, attached to a property of almost identical design. The cottages lie end on to the country lane in a remote rural location, with No.1 being positioned closest to the lane. No.2 has formerly had a garage located against the road to the south of the garden of No.1, which has been removed.

A planning application has recently been approved for the creation of the access on the site of the former garage, change of use of agricultural land to residential to create the driveway to the south and west and for the erection of a garage.



This application now seeks planning permission for a porch to the front and a two storey extension to the side. The porch would be larger than that it would replace, being 2.3 metres by 2.6 metres and would be of a low brick wall with glazing above and a tile roof. The two storey side extension would provide a large sitting room with a bedroom and roofed balcony area above. It would be 6.75 metres in length and 5.75 metres deep, being set in less than 100mm from the front and rear walls of the existing cottage. The extension would also continue on the existing roof line, without any break. It would be of a contemporary design incorporating horizontal cedar boarding with large elements of glazing, yet of a tiled roof to match the existing.

During the processing of the application, the case officer requested that the plans were amended to set the extension back 500mm from the front of the dwelling, which would result in a drop in the ridge line, in an attempt to incorporate an element of subservience. The agent has confirmed that they do not wish to submit amended plans to set the extension back, hence no amended plans have been forthcoming.

The agent has stated that the front and rear walls are set back 100mm to allow the cedar boarding to abut the existing walls and create a deliberate shadow line at the junction of old and new and that the contemporary treatment of the elevations using extensive glazing and timber boarding is a sufficient differentiation between old and new. He is therefore not of the view that the extension needs to be subservient in it's form or ridge height. He states that in this situation, the bold, contemporary nature of the elevational design needs to sit under a continuous roof that then extends over the balcony at first floor level. Furthermore, the set back would result in only a small drop in the ridge, a detail that would require lead flashings and have the potential for leaking.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

*WEST MONKTON PARISH COUNCIL* - The Parish Council support this application. We request that there should be matching material used.

*LANDSCAPE* - No comments received

### **Representations**

7 letters of SUPPORT received on the grounds of:

- In favour of the style of the building and the eco-friendly, innovative design. Extension is a seamless integration to the existing structure. With a continuation of the roofline adding to the aesthetic appearance of the building, wood cladding will provide clear distinction. Design is appropriate and current plans look well balanced. Attractive addition to the existing property, integrates well with existing building sizes and finishes, presents no conflict of character and well integrated into the local landscape. Houses currently rather unattractive, plain and out of keeping with local housing. Architects design shows a refreshing change from the normal box shape so prevalent today. Pleased to see attempt to redress the

balance and enhance the beauty of the area.

- Hedges and vegetation has grown up around them so hardly visible from road.
- Extension on far side of cottage so not visible from Pigeon House, therefore no impact on outlook or privacy. Will not interfere with my privacy or access.
- No disbenefit to locale, improve parking and remove parked vehicles on roadside.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP8 - CP 8 ENVIRONMENT,  
H17 - TDBCLP - Extensions to Dwellings,

## **DETERMINING ISSUES AND CONSIDERATIONS**

Policy H17 of the Taunton Deane Local Plan seeks for extensions to dwellings to not harm the form and character of the dwelling and appear subservient to it in scale and design.

The existing cottage is considered to be of traditional style typical of rural properties within the countryside. Whilst the principle of extending the dwelling is acceptable, this would be subject to any extensions being designed so as to retain the existing character of the cottage and not dominate or detract from it.

The proposed side extension is large, being 6.75 metres in length to an existing dwelling, 9.1 metres in length. During the processing of the application, the case officer, attempted to negotiate a set back of 500mm, which would have resulted in a drop in the ridgeline. Whilst this would have still resulted in a significant extension and would have had limited impact on the internal floor space to the substantial rooms proposed, it was deemed that this would have resulted in an extension just sufficiently subservient. Although the resulting property would still have been considerably larger than the current situation and the extensions would have changed the character of the cottage significantly, it was not considered to cause an unacceptable level of harm to the character of the dwelling. Notwithstanding this, no amended plans have been forthcoming.

The proposed extension would be albeit flush with the front wall of the property and would continue the eaves and ridge at the same level. It is not therefore set back from the front or down from the eaves or ridge to provide a break and would result in a continuous ridgeline of 16 metres, broken only by a chimney. It is noted that the change in materials of the walls would differentiate the proposed extension from the existing dwelling, however, the extension, by virtue of its size and design, is deemed to result in a significant bulk and mass, dominating and detracting from the appearance of the cottage and unbalancing the appearance of the pair of semi-detached properties.

The roadside boundary to the south is a reasonably well established hedge, although this is reasonably low and the cottage, in particular the roof is visible from certain viewpoints on the approach from the south and through the newly created wide access point. In addition to the impact the extension has on the appearance of the cottage, it is also therefore deemed to lead to an adverse impact upon the part it

plays within the rural landscape of the surrounding area.

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

**CONTACT OFFICER: Mrs K Walker Tel: 01823 356468**

**APPEAL DECISIONS FOR COMMITTEE AGENDA – 06 NOVEMBER 2013**

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/13/2192819 & APP/D3315/A/13/2192823	ERECTION OF DWELLING IN REAR GARDEN AND FORMATION OF NEW ACCESS AT ASHRIDGE, HONITON ROAD, TRULL (AMENDED SCHEME TO APPLICATION 42/12/0039)	The proposal for this rear garden would result in a cramped form of single storey development out of keeping with and detrimental to the character of the area and contrary to Policy DM1d of the Taunton Deane Core Strategy 2011-2028.	42/12/0039 & 0058	The Inspector considered the main issue for both appeals to be the effects of the proposed developments on the character and appearance of the surrounding area. He concluded that Appeal A would be sufficiently out of character with the surrounding area as to result in unacceptable material harm in conflict with the requirements of adopted Policy DM1 and that Appeal B does not overcome the unacceptable material harm that would result from Appeal A.
APP/D3315/				
APP/D3315/				
APP/D3315/				

**APPEALS RECEIVED FOR COMMITTEE AGENDA – 06 NOVEMBER 2013**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/A/13/2205631	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF A DWELLING IN THE GARDEN OF DENE VIEW, WEST ROAD, WIVELISCOMBE	49/13/0004
APP/D3315/H/13/2206515	DISPLAY OF 5 NO. NON ILLUMINATED FASCIA BOARD SIGNS, 1 NO. INTERNALLY ILLUMINATED FASCIA SIGN, 2 NO. ALUMINIUM EXTRUSION POSTER FRAMES, 6 NO. HIGH LEVEL WINDOW GRAPHICS AND 4 NO. LOW LEVEL WINDOW GRAPHICS AT 12 COUNTY WALK (FORMERLY BLOCKBUSTER VIDEO), TAUNTON	38/13/0279A
APP/D3315/A/13/2203877	CHANGE OF USE FROM A1 (RETAIL) TO A2 (FINANCIAL AND PROFESSIONAL) AT 47 NORTH STREET, TAUNTON	38/13/0212
APP/D3315/A/13/2206786	INSTALLATION OF SOLAR PV ARRAYS AND ASSOCIATED WORKS WITH A CAPACITY OF UP TO 9.5 MEGAWATTS OF POWER AT LAND NORTH-WEST OF RITHERDENS FARM, BRADFORD ON TONE AS AMENDED	07/13/0016

APP/D3315/13/2207133	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR A RESIDENTIAL DEVELOPMENT FOR 30 DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE AND ALLOTMENTS AT LAND TO THE NORTH WEST OF OVERLANDS, NORTH CURRY	24/13/0032
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## **Planning Committee – 6 November 2013**

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

Officers: - Matthew Bale (West Area Co-ordinator), Gareth Clifford  
(East Area Co-ordinator), Bryn Kitching (Development Management  
Lead), Roy Pinney (Legal Services Manager) and Tracey Meadows  
(Corporate Support Officer)

Also present: Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### **128. Apology**

Councillor Morrell.

### **129. Minutes**

The minutes of the meetings of the Planning Committee held on the 25 September 2013 and 16 October 2013, were taken and read and were signed.

### **130. Declarations of Interest**

Councillor Nottrodt declared a personal interest as a Director of Southwest One. He also declared that he had attended a meeting of the Quantock Hills Joint Advisory Committee where application No 45/13/0014 had been discussed. He felt that he had “not fettered his discretion”. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Coles also declared that he knew the agent for application No 38/13/0368. He felt that he had not “fettered his discretion”. Councillor Bishop declared that he had attended the Parish Council meeting where application No 27/13/0015 had been discussed. He too felt that he had not “fettered his discretion”. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. He also declared that he knew the agent for application No 38/13/0368 but felt that he had not “fettered his discretion”. Councillor Wren declared a personal interest as an employee of Natural England.

### **131. 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:-

**14/13/0036**

**Change of use of annexe to provide holiday letting accommodation at The Old Mill, North End, Creech St Michael**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The outbuilding shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence. The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of the building on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority;
- (c) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 window/dormer windows shall be installed in the north elevation of the development hereby permitted without the further grant of planning permission;
- (d) 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 alteration or extension of the parking area shall be carried out without separate planning permission being sought from the Local Planning Authority;
- (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 extension to the building other than those expressly authorised by this permission shall be carried out without the further grant of planning permission;

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

**27/13/0015**

**Erection of an agricultural storage building at Knapp Farm, Hillfarrance**

**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) Block Plan (as amended by plan received 15 October 2013);
  - (A4) Roof Plan;
  - (A4) South-west and south-east elevations; and
  - (A4) North-west and north-east elevations;
- (c) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority;
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority;
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

**42/13/0050**

**Change of use of land to form an extension to the playing field, and erection of Pavilion at King George's playing field, Church Road, Trull**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo SPP.1706.4 Landscape Proposals;
  - (A1) DrNo 4222/12 Survey of Recreation Area;
  - (A1)DrNo 4222/12 Site Plan;
  - (A1)DrNo 422/12 Proposed Pavilion Elevations and Floor Plan;

- (c) 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 use hereby permitted is commenced and thereafter maintained as such, 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) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (f) In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars and paragraphs (a) and (b) below shall have effect until the expiration of one year from the date of the occupation of the building for its permitted use;
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 399:2012 (Tree Work)];
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;
- (g) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. 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;

- (h) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (i) No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority;
- (j) The proposed access road, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (k) 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;
- (l) The applicant shall undertake all the recommendations made in MWA's Hedgerow inspection report dated December 2012. 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;
- (m) No development on the pavilion, access road or car park shall take place until such time as a surface water drainage strategy has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed strategy.

(Note to applicant:- (i) 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; (ii) Applicant was advised that most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended); (iii) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.)

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

**48/13/0051**

**Erection of two storey extension to side and porch to front of 2 Hill Farm Cottages, West Monkton**

### **Reason**

The existing cottage is of traditional character and scale, typical within the countryside landscape. The proposed side extension, by virtue of its size, scale and design is considered to dominate the traditional cottage to the detriment of the existing form of the dwelling and unbalance the appearance of the semi-detached properties, resulting in harm to the appearance of the rural landscape. As such, the proposal is contrary to Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local 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 with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.)

### **132. Outline Planning application for the erection of six dwellings at Little Acre, Station Road, Norton Fitzwarren (25/12/0017)**

Reported this application.

**Resolved** that subject to the applicant entering into a Section 106 agreement to extinguish all existing use rights to the site without compensation, upon commencement of the development, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if outline planning permission was granted, the following conditions be imposed:-

### **Conditions**

- (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) A scheme for the attenuation of noise shall be submitted with any application for approval of reserved matters. The scheme shall be based on the findings of Ian Sharland Limited's submitted report dated 14 June 2012. The approved scheme shall be fully implemented prior to the occupation of the dwelling to which it relates and thereafter maintained as such;
- (c) A scheme for the protection of the protected Poplar Tree on the southern boundary shall be submitted with any application for approval of reserved matters. The scheme shall include measures required to protect the tree together with the timings for erection of any protective fencing. The approved scheme shall be fully implemented and carried out in accordance with the approved details and timings;
- (d) Prior to the commencement of the development hereby permitted, a scheme for the means of disposal of foul and surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be based upon a full survey/analysis of existing sewers in the locality and their ability to accommodate the likely discharge from the site. The scheme shall ensure that surface water run-off rates from the developed site do not exceed run-off rates from the pre-developed site for all storm periods up to and including for the 1 in 100 year plus climate change event. The scheme shall also include details of maintenance requirements and responsibilities and a timetable for construction. The development shall be carried out in accordance with the details hereby approved. The scheme shall be implemented in accordance with the approved timetable and shall thereafter be maintained as such;
- (e) If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a Remediation Strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The Remediation Strategy shall be implemented as approved;
- (f) The Poplar Tree on the southern boundary, the subject of a Tree Preservation Order, is not permitted to be felled by this grant of planning permission;
- (g) Finished floor levels of the new dwellings shall be raised a minimum of 300 mm above existing ground levels;
- (h) No more than six dwellings shall be erected on the site;

- (i) There shall be no ground-raising or stockpiling of material at any time on any part of the site;
- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, outbuildings, fences, gates or walls shall be erected within the curtilage of any dwelling house other than those that may be approved pursuant to a reserved matters approved without the further grant of planning permission;

(Notes to applicant: - Applicant was advised that:- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the applicant to enable the grant of outline planning permission; (ii) There is a possibility that a future relief road for Norton Fitzwarren will be constructed to the north of the site so it may be prudent to consider whether noise attenuation measures should also be installed in the north elevation; (iii) This is an outline planning permission with all matters reserved for subsequent consideration. You are advised that, despite indications on the illustrative plans, the Local Planning Authority is concerned that dwellings greater than two storeys in height are unlikely to be acceptable on this site; (iv) Any application for reserved matters approval must be influenced by the presence of the protected Poplar Tree and other trees around the site boundary. Any reserved matters application must be accompanied by a tree survey, clearly identifying the root protection areas, carried out in accordance with BS5837; (v) It is expected that the details for landscaping submitted with any reserved matters application will show the retention of planting on the northern boundary and the provision of a new hedgerow to the west).

**133. Demolition of 2 No bungalows and erection of 8 No flats with associated works on land at 58/60 Normandy Drive, Taunton (38/13/0368)**

Reported this application.

**Resolved** that subject to an amended plan reconfiguring the parking layout and the applicant entering the appropriate legal agreement to secure:-

- (a) £1571 per additional dwelling towards active outdoor recreation;
  - (b) £209 per additional dwelling for allotment provision and;
  - (c) £1208 per additional dwelling towards community hall provision,
- 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;
- (A4) Location Plan;
  - (A3) Block and Roof Plan;
  - (A1) Digital Survey;
  - (A1) Proposed Floor Plan and Elevations; and
  - (A1) Proposed Site 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) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (f) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. 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;

- (g) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (h) Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works shall be hand dug and no roots larger than 200 mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery;
- (i) The applicant shall undertake all the recommendations made in Green Ecology's Preliminary Ecological Appraisal report dated July 2013 and provide mitigation for bats and birds as recommended. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (j) No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The submitted details shall clarify the intended ownership and maintenance provision for all drainage works serving the site, agreement for discharge point and ownership of receiving drainage system and that the approved scheme shall be implemented in accordance with the approved programme and details;
- (k) Details of any solar roof panels shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation.

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

**134. Erection of 4 No two bedroom dwellings and 1 No garage on land at Bacon Drive, Taunton (38/13/0370)**

**Reported** that this application be withdrawn.

**135. Variation of condition No 10 of application 43/10/0127 to allow a fabric first approach to reducing energy demand seeking more energy efficient**



**buildings rather than providing on site renewable at land at Cades Farm, off Taunton Road, Wellington (43/13/0097)**

Reported this application

**Resolved** that subject to the applicants entering into a Section 106 Agreement bringing the obligations on planning permission 43/10/0127 forward to any new permission, 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) 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 for the first phase of development (as agreed by condition (c) below) shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. Application for approval of the reserved matters for the final phase of development (as agreed by condition (c) below) shall be made to the Local Planning Authority not later than the expiration of five years from the date of this permission. The development of each phase hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters for the phase to which it relates or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans;
- (A3) DrNo 100-001 Rev A Red Line Plan; and
  - (A3) DrNo 400-001 Rev H Parameters Plan;
- (c) Prior to the commencement of the development hereby permitted, a phasing programme shall be submitted to, and agreed in writing by, the Local Planning Authority;
- (d) Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the Local Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (prepared by Brookbanks Consulting and dated 16 February 2011) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme;

- (e) Surface water shall not be allowed to discharge from any private drives onto the public highway and details of how such will be achieved shall be submitted to and approved with any reserved matters application made pursuant to condition (a). The agreed details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be retained as such;
- (f) Prior to the commencement of any phase (as agreed pursuant to condition (c)) of the development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the Local Planning Authority.
- a) A preliminary risk assessment which has identified:
- all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- c) The site investigation results and the detailed risk assessment b) 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;
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved;
- (g) Before any phase (as agreed pursuant to condition (c)) of the development commences (including site clearance and any other preparatory works) a scheme for the protection of trees and hedges within that phase 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 for that phase or until such time as may otherwise be 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;
- (h) The development shall provide public open space and children's play

facilities in accordance with the details indicated on the parameters plan (Drawing 400-001 Rev H) hereby permitted. Full details of the open space, including any required children's play equipment, benches, bins or any other required paraphernalia shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details required pursuant to condition (a) with the phase (as agreed pursuant to condition (c)) to which it relates. The open space and any associated equipment shall be fully provided and operational prior to the occupation of 75% of the dwellings within the phase to which it relates and shall thereafter be maintained as such;

- (i) Details of the proposed street (and other external) lighting for the development shall be submitted to, and agreed by the Local Planning Authority as part of the details submitted pursuant to condition (a);
- (j) The development shall be implemented so that either (i) At least 10% of the energy supply for each phase of the development shall be secured from decentralised and renewable or low-carbon energy sources; or (ii) The design and construction of the buildings shall ensure that the energy consumption of the dwellings within each phase of the development shall be at least 10% lower than the levels required by the Building Regulations prevailing at the time of the commencement of the phase of the development. Details and a timetable of how these requirements are to be achieved, including details of physical works on site shall be submitted to, and approved in writing, as part of the reserved matters submission pursuant to condition (a). The development shall be implemented in accordance with the approved details and timetable, unless otherwise agreed in writing by the Local Planning Authority;
- (k) No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development have been submitted to, and approved by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- (l) The eastern and western basins shall be constructed in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development of the phase(s) to which they relate and shall thereafter be maintained as such;
- (m) The development hereby permitted shall not be commenced until details of a Landscape and Wildlife strategy has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EDP's submitted ecology appraisal dated October 2010, EDP's letter dated 26 January 2011 (ref L/EDP1267/KH/av) and EDP's supplementary information relating to ecological mitigation and

enhancement measures dated February 2011 and up to date surveys and include:-

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development (Ecological Construction Method Statement);
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance;
3. measures for the enhancement of places of rest for breeding birds, dormice and bats;
4. Details of a sensitive lighting strategy;
5. The submission of a Landscape and Ecological Management Plan (LEMP);
6. Ongoing ecological monitoring for a period to be agreed, which will inform the ongoing management of the site.

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. No phase (as agreed by pursuant to condition (c) of the development shall be occupied until the scheme for the maintenance and provision of the new bird, dormice and bat boxes and related accesses relevant to that phase have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (n) Prior to the commencement of the development hereby permitted, full details of a management strategy for the retained hedgerows shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed management strategy shall thereafter be strictly adhered to;
- (o) For any phase of the development (as agreed pursuant to condition (c)) the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details that shall first have been approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction, shall be submitted to the Local Planning Authority;
- (p) (i) The landscaping/planting scheme shown on any plans submitted and agreed in respect of condition (a) shall be completely carried out within the first available planting season from the date of commencement of the phase (as agreed pursuant to condition (c)) of the development to which it relates; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (q) No more than 150 dwellings shall be occupied until the link to Gay Close detailed on Drawing Number 2371.06B, or some other drawing as may have first been agreed in writing by the Local Planning Authority, had been fully implemented and is capable of use;
- (r) In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars as agreed in respect of condition (a); and paragraphs (a) and (b) below shall have effect until the expiration of one year from the completion of the phase to which it relates:-
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)];
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place within 12 months of its destruction or death. The species and size of that replacement tree shall first have been agreed in writing by the Local Planning Authority.

**136. Erection of 7 No affordable dwellings with associated access, bin and cycle store, parking and landscaping on land adjacent to New Road, West Bagborough (45/13/0014)**

Reported this application.

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

- (i) £2,904.00 for each 2 + bed dwelling for children’s play facilities within the vicinity of the development;
- (ii) £1,571.00 per dwelling towards active outdoor recreation; and
- (iii) £209.00 per dwelling for allotment provision,

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:-

- (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 3236/001 Rev B Proposed Elevations and Floor Plans for Plots 1-4;
  - (A1) DrNo 3236/002 Rev B Proposed Elevations and Floor Plans for Plots 5-7;
  - (A4) DrNo 3236/003 Location Plan;
  - (A3) DrNo 3236/004 Rev B Block Plan;

- (A3) DrNo 3236/005 Bin and Bike Store;
  - (A3) DrNo 3236/006 Rev D Proposed Site Layout; and
  - (A3) DrNo 3236/007 Site Sections:
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no windows or other form of opening shall be introduced into the north-eastern elevations of either unit 1 or unit 7 without the prior grant of planning permission in that behalf;
- (d) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development;
- (e) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development) whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation;
- (f) The proposal hereby granted shall be carried out strictly as specified in the 'Conclusions and recommendations' proposed in the 'Ecological Appraisal' prepared by 'Greenecology', and dated July 2012 and the subsequent 'Reptile Survey Results and Mitigation Strategy'; dated 19 August 2013. This document forms part of the permission hereby granted and the further survey work it requires and the timing for works specified will need to be carried out in full as stated under the supervision of a competent and suitably qualified expert;
- (g) (i) Any work carried out to trees to be retained on site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard. (ii) The development hereby approved shall not commence, and no materials shall be brought onto site, until all the trees to be retained on site are protected by fencing as per BS 5837: 1991. This will either be chestnut pale fencing or a scaffold structure 2.4 metres high supported durable man-made sheeting (either plywood or OSB of an exterior grade). Chestnut pale fencing will be to BS 1722: Part 4: 1989, as a minimum standard. This will consist of 1.200 mm pales, wired together as per standard, supported on three line wires, secured to fencing posts to a minimum standard of: 1800 mm long, 7 mm (3") top, driven 500 mm into the ground. In addition, straining posts, 1800 mm long by 100 mm (4") top, strutted where a change of direction occurs, will be installed at all ends and corners, at changes of direction, or

acute changes of level, and at intervals no exceeding 50 m in straight lengths of fence. The fence will be installed upright, with all posts firmly bedded in the ground and line wires tensioned, and shall be maintained in such a condition throughout the duration of the development. (iii) The fence shall be installed no closer to the trunk of the retained tree than the edge of the drip line of the canopy or a distance equivalent to half the height of the tree, whichever is the greater. (iv) The area beneath the tree and between the trunk of the tree and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees shall be allowed onto the fenced area. (v) No trenches for service runs, or any other excavations shall take place within the fenced area. (vi) No soil or other surface material shall be removed from the fenced area except by written permission of the Local Planning Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree roots;

- (h) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the dwellings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (i) Prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to, and approved in writing by, the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority;
- (j) The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to, and approved in writing by, the Local Planning Authority;
- (k) The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to, and approved in writing by, the Local Planning Authority. The dwellings shall not be occupied until these have been provided in accordance with the approved details;
- (l) The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to, and approved in writing by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum;

- (m) No development or on site works shall commence until a surface water drainage scheme has been submitted to, and agreed in writing by, the Local Planning Authority and Wessex Water, or at such other time as may be agreed in writing with the Local Planning Authority;
- (n) Prior to installation, or at such other time as may be agreed in writing with the Local Planning Authority, full details of any solar panels that may be required shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall show the position, size and appearance of the solar panels and any associated equipment on each dwelling where they are required. The solar panels shall then be placed on site in strict accordance with the details submitted and approved and shall be retained as such at all times thereafter.

(Notes to applicant:- Applicant was advised to take the following matters into account:- (i) Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site; (ii) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (iii) 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; 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. (iv) The developer is hereby made aware that under the National Planning Policy Framework, where a site is affected by contamination responsibility for securing a safe development rest with the developer and/or landowner. If additional information is found concerning the condition or history of the site and this cannot be mitigated, then the Environmental Health Officer of the Council does not rule out future action under Part IIA of the Environmental Protection Act 1990.)

## 137. Appeals



Reported that five new appeals had been lodged and one decision received since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 8.25 pm.)