

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 27 November 2013 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 6 November 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 38/13/0267 - Variation of condition no. 24 of application 38/98/0441 to allow for occupation of the vacant units by go outdoors, a camping and leisure goods retailer at units 2 and 3 At Johns Retail Park, Priory Way, Taunton.
- 6 38/13/0265 - Installation of a mezzanine floor extending to 1,115 sqm and external alterations associated with the amalgamation of units 2 and 3 St Johns Retail Park, Priory Way, Taunton.
- 7 29/13/0008 - Variation of condition numbers 2 and 3 of application 29/11/0013 to amend the list of approved plans and to change some of the external materials to be used, access details and landscaping, at Feltham Park Farm, Feltham, Corfe.
- 8 11/13/0007 - Erection of two storey side and rear extension of 2 Capes Cottages, Combe Florey (as amended).
- 9 E/0127/49/13 - Siting of mobile home after expiry of temporary planning permission at West View Farm, Culverhay Lane, Wiveliscombe.
- 10 Planning Appeals- The latest appeals lodged and decisions received.

19 December 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.

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



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



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

**For further information about the meeting, please contact 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	

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Coles, A Wedderkopp and D Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

38/13/0267

PROVINCIAL REAL ESTATE (ST JOHNS) LTD

**VARIATION OF CONDITION NO. 24 OF APPLICATION 38/98/0441 TO ALLOW FOR OCCUPATION OF THE VACANT UNITS BY GO OUTDOORS, A CAMPING AND LEISURE GOODS RETAILER AT UNITS 2 AND 3 ST JOHNS RETAIL PARK, PRIORY WAY, TAUNTON**

Location: UNITS 2 & 3, ST JOHNS RETAIL PARK, PRIORY WAY, TAUNTON, TA1 2BB

Grid Reference: 323942.125445

Removal or Variation of Condition(s)

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway.

2. The areas shown on the submitted plan for the loading, unloading, turning and parking of vehicles shall not be used for any purpose other than for the loading/unloading, turning and parking of vehicles.

Reason: In the interests of highway safety.

3. The proposed road within the site shall be kept free from obstruction at all times.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways.

4. No refuse or waste materials shall be disposed of by burning on any part of the site.

Reason: To safeguard the amenities of the area.

5. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the

building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

6. The open areas within the site shall be used solely for the purposes shown on the approved layout, that is for the parking of vehicles, access, manoeuvring, loading/unloading and amenity purposes only. No part of the site shall be used other than as shown on the approved layout without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

7. The areas allocated as service yards on the approved plan shall not be used other than for the loading/unloading and manoeuvring of vehicles in connection with the use of the premises as retail warehousing and no servicing of the premises shall take place from the adjacent highway.

Reason: To ensure that adequate off-street servicing facilities are provided within the curtilage of the proposed development, thereby to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway.

8. All services shall be placed underground.

Reason: in the interests of the visual amenity of the area

9. The minimum unit size shall be restricted to 10,000 sq ft/929 sq m gross floorspace and there shall be no internal sub-division of this floorspace leading to either the creation of separate or franchised retail units.

Reason: In order to discourage the creation of smaller units and thereby ensure that the proposal would not adversely impact upon the vitality and viability of Taunton town centre.

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the site and buildings shall only be used for the sale of the following goods:-

- (a) All types of furnishings and furniture including flat pack self-assembly and ready-assembled soft furnishing such as curtains, co-ordinates, fabrics, (excluding blankets, duvets and non-co-ordinated fabrics), Venetian and roller blinds and associated fittings, carpets and floor coverings.
- (b) All DIY goods including tools, hardware, shelving, sanitary ware and plumbing goods, associated electrical goods, decorating products, light fittings, heating and building supplies including hiring facilities.
- (c) Garden products including plants, garden buildings, furniture, machinery and general garden supplies.
- (d) Electrical, gas electronic and battery operated household office and domestic products and appliances, electronic games, photographic equipment including camcorders and cameras and ancillary goods

- together with ancillary service departments.
- (e) Vehicle goods, parts, equipment and accessories including towing, rallying goods and parts, equipment, accessories and tools of all kinds, camping and caravanning goods, cycles, cycle goods, parts, equipment, accessories and cycling related fitness goods, outdoor pursuit equipment, watersport equipment, snowsport equipment, fishing equipment, mountaineering equipment, climbing equipment, running and equestrian goods.
  - (f) Associated ancillary confection and non-alcoholic beverage sales.
  - (g) Videos and video hire.
  - (h) Office supplies including equipment, furniture, electrical and battery operated equipment, office stationery, computers and associated equipment, parts supply and fittings.
  - (i) Pets, pet products, pet foods and associated supplies.

Where the primary use of the building is for the sale of goods identified in clause (e) above, a maximum of 20% of the internal net floor area of the store can be used for the sale of clothing and footwear directly associated with the range of goods permitted.

Reason: To ensure that the proposed use is not detrimental to the vitality and viability of Taunton town centre.

#### 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 negotiated amendments to the application to enable the grant of planning permission.

#### **PROPOSAL**

Planning permission is sought to vary condition number 24 of application 38/98/0441 to enable a wider range of goods to be sold from the premises. The proposed additional goods comprise outdoor activity pursuit equipment and accessories for watersports, snowsports, fishing, mountaineering, climbing, running and equestrian goods.

The aim of the application is to enable the company known as "Go Outdoors" to operate from the business. The company's primary function is the sale of camping and caravanning goods, but it also sells equipment for other outdoor pursuits in line with its business model. The sale of camping and caravan equipment is already permitted from the premises however there is a restriction on the sale of any clothing and footwear. The proposed variation will enable the sale of outdoor pursuit equipment including a clothing and footwear range. The application identifies that no more than 20% of the total floorspace of the building will be used for the sale of clothing and footwear.



## **SITE DESCRIPTION AND HISTORY**

The site comprises retail units numbers 2 & 3 St Johns Retail Park, situated between Toneway and the railway line. To the front of the units is a large car parking area which also serves the retail unit number 1 St Johns Retail Park opposite. To the rear of the units there is a small servicing and delivery area. To the south-west of the unit is Priory Way industrial estate which comprises a number of small business units. Access is off a one way system off Toneway. The 2 units have gross floor area of 1874 square meters, comprising ground floor only.

### Planning History

38/98/0441 - DEMOLITION OF BUILDINGS AND REDEVELOPMENT TO PROVIDE 4,180 SQ M OF NON-FOOD RETAIL WAREHOUSING WITH ASSOCIATED CAR PARKING, CYCLE PROVISION AND SERVICING AT ST JOHNS GARDEN CENTRE, TONEWAY, - Conditional approval 23/06/2000

38/13/0265 - INSTALLATION OF A MEZZANINE FLOOR EXTENDING TO 1,115 SQM AND EXTERNAL ALTERATIONS ASSOCIATED WITH THE AMALGAMATION OF UNITS 2 AND 3 ST JOHNS RETAIL PARK, PRIORY WAY, TAUNTON – Current application

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - no observations received

### *PROJECT TAUNTON –*

Object to application; additional retail floorspace in an out of centre location would have a negative impact on vitality and viability of the town centre; there are a number of allocated, planned and committed sites capable of delivering additional retail floorspace as identified in the TTCAAP; vital that planned opportunities for retail development in areas such as the High Street are delivered as a first priority. However, if the Council were to approve the application it should clearly define what goods are restricted within the 20% floorspace limit proposed and not allow a greater range of goods than is necessary.

### *PLANNING POLICY –*

In parallel with this application to vary condition is another application to amalgamate the two units and extend the floorspace by 1115 sq.m. (application 31/13/0265). My comments on that application largely addressed the sequential aspects and impact on delivery of town centre regeneration opportunities.

Condition 24 of permission 38/98/0441 allows for the sale of camping and caravanning goods. This reflects conditions for what used to be termed 'bulky' goods attached to other retail warehouse parks in Taunton (eg Priory Fields and Hankridge). I do not agree with the applicants suggestion that the St Johns retail

offer is potentially any different to other out of centre retail parks (paragraph 3.2). It is a level playing field.

I agree with the applicants statement in para 3.2 that St Johns is not an attractive trading location; being located through an industrial estate and past a scrap yard and sewage pumping station. I do not see this as a particular planning consideration. The 'market' accepted this when seeking a retail use on the site and accepted the restriction on sale of goods in full knowledge of the location. Allowing a wider range of goods will not enhance its locational attraction.

To this end, the application is therefore seeking to allow for 'leisure' goods. The applicant claims that 'Go Outdoors' (the proposed occupier) use c68% of floorspace for uses compatible with the current permission (eg display of tents) and suggests a condition limiting total floor area to no more than 20% of the total floorspace of the building for clothing and footwear.

From a planning policy perspective I have concerns regarding precedent for selling non bulky goods in other out of centre locations and consequential impact on the town centre.

Precedent: In dismissing a recent relaxation of goods retail appeal at Hankridge (Taunton) the Inspector stated "If permissions were granted in breach of policy without good reason it would be predictable that other applications equally devoid of good reason would follow and be difficult to resist". Condition 24 also applies to the neighbouring unit 1 (DFS) with 3,716 sq.m. as well as being consistent with conditions and legal agreements applied on other out of centre retail parks such as Hankridge (c18,000 sq.m. gross) and Priory Fields (c12,000 sq.m. gross).

Impact: Out of centre comparison floorspace around Taunton amounts to over 40,000 sq.m. or around 47% of Taunton's primary and secondary net floorspace. Impact would therefore be significantly greater than the assumptions made in the applicants impact statement (proposed mezzanine floorspace and for a particular end user (Go Outdoors) only) if there was not a sound reason to vary the condition. In addition, impact would also be required to be assessed against future investment. Town centres are the prime national and local preference for comparison retailing. Their vitality and viability should be promoted and enhanced. In line with national policy, up to date plans identify sufficient sites to meet 'need' over the Plan period. These are town centre opportunities. A general relaxation of conditions within existing out of centre buildings would clearly be a cheaper but more damaging alternative to town centre investment which would ultimately undermine the role and function of the centre.

Form of Conditions: The application seeks to relax condition 24 for the sale of camping and leisure goods whilst the supporting statements indicate it would be for a particular operator 'Go Outdoors'. For the application to overcome policy concerns I would require that the term leisure and camping goods need to be better defined.

The applicant has sought to do this following a meeting with Officers with changes to condition 24e and an additional j. However I remain unhappy at the proposed wording and would suggest:

E) Vehicle goods, parts, equipment and accessories including towing, rallying goods

and parts, equipment, accessories and tools of all kinds, camping and caravanning goods, cycles, cycle goods, parts, equipment, accessories and cycling related fitness goods, **outdoor pursuit, watersports, snowsports, fishing, mountaineering, climbing, running and equestrian goods.**

**J) Where the primary use of the building is for the sale of goods identified in clause E) above, a maximum of 20% of the internal net floor area of the store can be used for the sale of clothing and footwear directly associated with the range of goods permitted.**

If this is complied with I would also require a revised internal layout to use as a baseline for ascertaining compliance. A personal permission has been suggested by the applicant and may be worth considering.

Operational Requirements: The Planning Policy comments on the current accompanying application (38/13/265 mezzanine proposal) do not support the extension of out of centre retail floorspace. Whilst this may reduce the suitability of the site for the needs of Go-Outdoors I consider that the potential dis-benefits arising would be greater than the benefits of securing a particular end user. However, as there are PD rights allowing for 200 sq.m. additional floorspace this could provide an additional 400 sq.m. within the two units. The combined works proposed to the building could provide 2274 sq.m. floorspace. They currently operate stores in Wolverhampton at 2,300 sq.m. Wakefield and Penrith at 2,400, Newcastle at 2,500 sq.m. If for a specific end user (which could be tied by personal permission) I believe that they should adapt their business model flexibly in line with government advice

Finally, if a relaxation is granted would it be necessary to restate the requirements from the original condition over the retail park for the avoidance of doubt?

Thus in conclusion, the principle of relaxing the existing conditions should be resisted unless adequately justified and controlled. Otherwise it would undermine the Development Plan strategy and should be resisted, being contrary to Core Strategy Policies CP1, CP3, CP6, Objective 1, 3 and 6, various site specific allocations in the TTCAAP (eg Hs1, Fp1) and the aims and objectives underpinning the NPPF. However, subject to the above policy requirements, I have no objection in principle to the relaxing of Condition 24.

*TOWN CENTRE MANAGER –*

I write to make representation on behalf of Taunton Town Centre Company and our objective to retain Taunton as a viable and vibrant town centre.

We note this application to vary condition is made in parallel with another application to amalgamate the two units and extend the floor space by 1115 sq.m. (application 31/13/0265). Combined with a mezzanine the 'new' unit would be in the region of c3500 - 4100 sq.m.

Condition 24 of permission 38/98/00441 allows for the sale of camping and caravanning goods. This reflects conditions for what used to be termed 'bulky'

goods attached to other retail warehouse parks in Taunton (e.g. Priory Fields and Hankridge). Taunton Town Centre Company does not agree with the applicant's suggestion that the St Johns retail offer is potentially different to other out of town retail parks - it is essentially the same.

The applicant asserts that St Johns is not an attractive trading location however this is not a planning consideration. Allowing a wider range of goods will not enhance its locational attraction; although it would have planning ramifications.

The application is seeking to allow for 'leisure' goods. Taunton Town Centre Company has the following concerns;

Town Centre First – Promoting the vitality and viability of town centres is a key NPPF aim, hence the sequential requirement.

Sequentially, town centre buildings and land should be considered. The former Peacocks store on East Street, Que Pasa in High Street and JJB Sports unit within the orchard centre are just some examples of large units currently available. The Taunton town centre Area Action Plan identifies a number of opportunities such as Firepool, High Street and Tangier which could all accommodate large format units. The local authority is working in partnership with landowners on all these sites progressing schemes for submission with availability within 5 years.

A relaxation of conditions to allow out of town 'non bulky' comparison shopping would have a negative impact on the viability of the town centre and delivery of Core Strategy Objective 3 (Town and Other Centres).

In dismissing a recent relaxation of goods appeal at Hankridge (Taunton) the Inspector stated "If permissions were granted in breach of policy without good reason it would be predictable that other applications equally devoid of good reason would follow and be difficult to resist".

This application proposes a condition allowing 20% of the total floor space to clothing and footwear – in reality the retail floor space given over to comparison shopping would be a greater percentage of the sales floor space net of storage/back office functions etc. More likely 1/3 of the total sales floor space.

Turnover per sq.m. would be much higher on the more frequently sold and denser clothing and leisure goods element. This use would have significant impact on current town centre retail operations. If this application were successful it is only a short step to seek to trade other leisure goods such as shoes, dresses, sportswear and equipment etc. on the pretext they are used for "outdoor activities" as proposed in the applicants suggested condition (para 4.15). Taunton Town Centre Company is concerned that if the relaxation were to be made then the range of permitted goods would be a virtually open-ended comparison goods consent.

Relaxation of conditions to allow comparison goods floor space in an out of town location would undermine the existing opportunities to assist in town centre regeneration, a key objective of the local authority and government policy objective, including Core Strategy Objective 3, policy CP3 and various AAP site specific policies (e.g. Hs1 High St., Fp1 Firepool).

In addition, as turnover for non bulky comparison goods is higher than for bulky goods, it is likely to result in more frequent trips to a non sustainable location, contrary to Core Strategy policies CP1 and CP6.

The principle of relaxing the existing conditions would undermine the Development Plan strategy and should be resisted. It is contrary to Core Strategy Policies CP1, CP3, CP6, Objective 1, 3 and 6, various site specific allocations in the TTCAAP (e.g. Hs1, Fp1) and the aims and objectives underpinning the NPPF.

## ECONOMIC DEVELOPMENT –

In principle I'm in favour of this development, which would bring a recognised national retailer to Taunton. Its presence would attract shoppers and visitors to the town, and although it would be in an 'out of town' location, many of those visitors would take the opportunity to visit other local businesses, including competitors in the same retail sector in the town centre. There are no other properties in or nearer the town centre of a suitable size that could accommodate this business.

The 30 jobs proposed would be a valuable enhancement to the economic development of the Borough.

The onus is on the applicant to demonstrate that the development will not have an adverse impact on the town centre.

## Representations

The Ward Member has written to state that "I am content to support this application."

One letter of OBJECTION from "Cotswolds Outdoor" - rejecting the relaxation of the user conditions at St John's retail Park. Relaxation would be detrimental to retail in the city centre and we would not take premises in the city centre if go outdoors were to be granted permission. It is imperative that this bulky scheme remains so if the city centre retail offer in Taunton is to have any chance of survival over the long term.

One letter received from TAUNTON CHAMBER OF COMMERCE stating "I totally agree with the position of Graham Love and the Town Centre Company and would support the view that we should be looking at the filling of empty units in the Town Centre as a priority">

## PLANNING POLICIES

NPPF - National Planning Policy Framework,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
TTCAP - Taunton Town Centre Area Action Plan,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would result in no payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS.**

The existing units are currently vacant and are not contributing to the economic welfare Taunton as a whole. The current planning permission for the site allows camping and caravan in goods, cycles, cycle goods, parts equipment, accessories and slightly related goods to be sold. However, outdoor activity pursuit equipment and accessories including clothing and footwear cannot be sold. This application is for a variation of condition to allow clothing and footwear to be sold, thereby enabling Go Outdoors to sell their full range of products. The application has been submitted alongside an application for a mezzanine floor, extending to 1115 m<sup>2</sup>, and external alterations to the building to enable the amalgamation of the 2 units to form one large store.

Go Outdoors is a large national retail company which also operates an Internet shopping facility, including “click and collect”. ‘Go Outdoors’ stores accommodate large display and demonstration areas for tents and camping equipment and furniture which allows customers to view the products in a camp site setting. Approximately 68% of a typical store layout is devoted to the sale and display of tents, camping equipments, accessories and sleeping equipment. Typically 18-20% of floor space is devoted to specialist outdoor clothing such as wind/ waterproof jackets, thermal tops, walking and climbing boots and associated hats and gloves. They state that the range of clothing is different to the “outdoor fashion clothing and boots” traditionally sold in town centre. However, concern has been raised from consultees that the sale of clothing from the store would be detrimental to the vitality and viability of Taunton town centre. Furthermore, there is also concern that by widening the types of goods to be sold to include clothing of footwear would set an undesirable precedent for the sale of clothing and footwear in the other “out of centre” retail parks in Taunton.

It is acknowledged that the business model of Go Outdoors is atypical in that they require a very large area to display some of their goods. The large display areas required mean that Go Outdoors find it difficult to source suitable units to accommodate within town centres. The retail statement submitted with the application goes through the sequential approach in considering the availability of sequentially preferable sites within the town centre. It is considered that although the regeneration of Taunton town centre would facilitate provision of new retail areas there are currently no suitable sites available which meet the size requirements of Go Outdoors. A view needs to be taken whether any new sites would come forward within a reasonable timeframe that would suit the needs of the applicant. It is also appropriate to consider whether there is scope for flexibility in the format and/or scale of the proposal and what contribution more central sites are able to make, either individually or collectively, to meet the same requirements as the application is intended to meet.

With the units already having a retail use this application is concerned with the impact of the sale of clothing and footwear upon the town centre. The applicant is prepared to work within the confines of a revised condition restricting the sale of clothing and footwear to items in connection with specific outdoor activities and pursuits. Whilst there may be some trade drawn away from certain stores within the town centre that also cater for clothing and footwear for these activities the majority of retail units in the town centre would not be affected. The impact upon the viability and vitality of the town centre is therefore not likely to be significant. Consideration must also be given to the economic benefits of the proposal, including the provision of 50 jobs. The presence of a national retail store, which is currently not provided for in Taunton, would add to the towns presence and is likely to draw people to Taunton instead of them going further afield to Bristol or Exeter.

In summary, the proposal would bring economic benefit to Taunton despite the sale of some clothing and footwear outside of the town centre. The proposed variation of condition is considered acceptable provided there are strict limits on the types of clothing and footwear that could be sold and the amount of floor space that could be used to sell them, thus reducing and minimising any adverse impact upon the viability and vitality of Taunton town centre. It is considered essential to restrict the sale of clothing and footwear to be in connection with outdoor activities and pursuits listed and to restrict the total the amount of floor area that can be used for the sale of clothing and footwear to a maximum of 20%. This will prevent a larger proportion of clothing and footwear from being sold and prevent other users from operating within the site selling a wider range of clothing and footwear which could be detrimental to the vitality and viability of Taunton town centre.

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

**CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313**

PROVINCIAL REAL ESTATE (ST JOHNS) LTD

**INSTALLATION OF A MEZZANINE FLOOR EXTENDING TO 1,115 SQM AND EXTERNAL ALTERATIONS ASSOCIATED WITH THE AMALGAMATION OF UNITS 2 AND 3 ST JOHNS RETAIL PARK, PRIORY WAY, TAUNTON**

Location: UNITS 2 & 3 ST JOHNS RETAIL PARK, PRIORY WAY, TAUNTON,  
TA1 2BB

Grid Reference: 323942.125445

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:

(A3) Site Location Plan  
(A1) DrNo 01 Existing Site Plan  
(A1) DrNo 02 Existing Store Plan  
(A1) DrNo 03 Existing Elevations  
(A1) DrNo 04 Proposed Site Plan  
(A1) DrNo 05 Rev P4 Proposed Store Plan  
(A1) DrNo 06 Rev P3 Proposed Mezzanine Plan  
(A1) DrNo 07 Proposed Elevations

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

3. The retail area of the mezzanine floor shown on drawing no. 1386-06 Rev P3, hereby permitted, shall only be used for the display of goods by the shop known as "Go Outdoors" and except for the area which would be allowed under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification) the mezzanine shall be removed as soon as "Go Outdoors" ceases to operate from the premises.



Reason: The use of the mezzanine by another occupier may be detrimental to the vitality and viability of Taunton town centre.

#### 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 negotiated amendments to the application to enable the grant of planning permission.

## **PROPOSAL**

Planning permission is sought for a mezzanine floor, extending to 1115 m<sup>2</sup>, and external alterations to the building to enable the amalgamation of the 2 units to form one large store. The aim of the application is to enable the company known as "Go Outdoors" to operate from the business. The company's primary function is the sale of camping and caravanning goods, but it also sells equipment for other outdoor pursuits in line with its business model. The proposed amalgamation of the two units and erection of the mezzanine will enable the company to effectively display the full range of goods that they sell.

The application seeks permission for the mezzanine floor over the entire floor area of what was unit 2 and partially over the unit 3. A small area of the store (89 square metres) will be used as a warehouse and there will also be toilets and staff facilities (98 square metres). The existing entrance to unit 2 will be removed and the entrance to unit 3 will become the main entrance to the building.

## **SITE DESCRIPTION AND HISTORY**

The site comprises retail units numbers 2 & 3 St Johns Retail Park, situated between Toneway and the railway line. To the front of the units is a large car parking area which also serves the retail unit number 1 St Johns Retail Park opposite. To the rear of the units there is a small servicing and delivery area. To the south-west of the unit is Priory Way industrial estate which comprises a number of small business units. Access is off a one way system off Toneway. The 2 units have gross floor area of 1874 square meters, comprising ground floor only.

The current permitted use for the units is retail with the goods restricted under Condition 24 of application 38/98/0441.

38/98/0441 - DEMOLITION OF BUILDINGS AND REDEVELOPMENT TO PROVIDE 4,180 SQ M OF NON-FOOD RETAIL WAREHOUSING WITH ASSOCIATED CAR PARKING, CYCLE PROVISION AND SERVICING AT ST JOHNS GARDEN CENTRE, TONEWAY, - Conditional approval 23/06/2000

38/13/0267 - VARIATION OF CONDITION NO. 24 OF APPLICATION 38/98/0441 TO ALLOW FOR OCCUPATION OF THE VACANT UNITS BY GO OUTDOORS, A CAMPING AND LEISURE GOODS RETAILER AT UNITS 2 AND 3 ST JOHNS

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations received

### *PLANNING POLICY* – objects

In the first instance there appears to be some discrepancies on the application and supporting submissions regarding floorspace. This appears to be resolved by agents letter dated 27/8/13. The existing gross floor area of units 2 and 3 is 1,874 sq.m. The application is seeking to provide an additional 1,115 sq.m. mezzanine which in total would provide a unit size of 2989 sq.m.

There is also an application to vary the conditions attached to application 38/98/0441. I will reply to this separately.

The NPPF (2012) requires local planning authorities to 'ensure the vitality and viability' of town centres. In order to meet this objective for sustainable growth there are two key tests: a sequential test (paragraph 24) and if not in accordance with an up to date plan, an impact assessment (paragraph 26). This approach is reflected in Core Strategy policy CP3.

In addition, paragraph 23 of the NPPF states that in drawing up plans "it is important that needs for retail ... are met in full...".

Thus a number of issues need to be addressed:

**Firstly**, have needs been met in full in drawing up the Local Plan? The Peter Brett 2013 Retail Capacity update forms part of the Councils up-to-date evidence base. This requires an additional 32,930 sq.m. gross comparison floorspace for Taunton over the Plan period to 2028.

**Secondly**, can these needs be accommodated in town or edge of centre sites? The Taunton Town Centre Area Action Plan (AAP) was adopted in 2008. The AAP makes provision for over 43,000 sq.m. of town centre retail floorspace. In addition, the Core Strategy (policies SS1 and SS2) make provision for an additional 8,000 sq.m. in the allocated Taunton urban extensions. Thus, the Council considers it has made full provision to meet retail requirements over the Plan period.

**Thirdly**, are any of these sequentially preferable sites available for development within the next 5 years? Again the answer is yes. The Council is working in partnership on 3 town centre sites in particular (Firepool with an AAP allocation of c8,000 sq.m. convenience and comparison, Coal Orchard with an allocation of 3,000 sq.m. and High St East with an allocation of 20,000 sq.m. of comparison retail space) which are considered likely to be developed or under development within the short term.

Completion of the Third Way through Tangier has also recently raised new retail

interest on this AAP regeneration area.

A sequentially available opportunity can in itself be a valid reason to refuse an out of centre application.

**Fourthly**, I am also concerned at the potential impact and precedent of allowing additional out of centre floorspace. Over the period 2013-18 the Peter Brett study identifies a requirement for an additional 3,866 sq.m. gross comparison floorspace in Taunton. This proposal would represent around 29% of the short term floorspace requirement. Such a high figure could seriously undermine the viability of progressing a town centre regeneration opportunity to the wider detriment of delivering the Core Strategy Development Plan Objective 3 "to enhance the role and function of (town centre) regeneration opportunities ... providing foci for employment provision and extending consumer choice..."

Moreover, if approved, this additional floorspace would clearly also set a precedent elsewhere in the Deane, further diverting investment, choice and competition away from town centre regeneration opportunities. In dismissing a recent retail appeal at Hankridge (Taunton) the Inspector stated "If permissions were granted in breach of policy without good reason it would be predictable that other applications equally devoid of good reason would follow and be difficult to resist". There is currently an application on another out of centre site to extend retail floorspace. The cumulative impact on town centre regeneration would be significant in my opinion.

However, under DCLG circular 01/2006, a mezzanine up to 200 sq.m. could be erected without the need for planning permission. Within the two units a total of 400 sq.m. could be incorporated without the need for planning permission. This could provide for 2,274 sq.m. within the 2 units. I have no policy issue with the amalgamation of the 2 units as it would not provide a unit size readily sought in the town centre.

Finally, the NPPF requires that if sequential sites cannot be found, preference should be given to accessible sites that are well connected to the town centre. St Johns Retail park has poor public transport accessibility, is separated from any (limited) residential area by a dual carriageway and any access would require passage through an industrial estate, and past a scrapyard and sewage pumping station. It is not therefore considered an appropriate location for retail expansion in accessibility terms either. At best, it would only encourage increased car borne access, contrary to the NPPF and Core Strategy policies CP1 and CP6.

In conclusion, from a policy perspective the proposal to extend the retail floorspace in this location should not be accepted. The overall need for additional floorspace can be met through identified statutory AAP plan sites and in the short (5 year) term delivery is anticipated which could be undermined by significant out of centre floorspace proposals coming forward. The proposal would be contrary to national policy, Core Strategy policies CP3, CP1 and CP6

There is a linked planning application to relax the conditions on sales within this unit (app 38/13/0267) which I will comment on separately.

*TOWN CENTRE MANAGER –*

I write to make representation on behalf of Taunton Town Centre Company and our objective to retain Taunton as a viable and vibrant town centre.

We note this application to vary condition is made in parallel with another application to amalgamate the two units and extend the floor space by 1115 sq.m. (application 31/13/0265). Combined with a mezzanine the 'new' unit would be in the region of c3500 - 4100 sq.m.

Condition 24 of permission 38/98/00441 allows for the sale of camping and caravanning goods. This reflects conditions for what used to be termed 'bulky' goods attached to other retail warehouse parks in Taunton (e.g. Priory Fields and Hankridge). Taunton Town Centre Company does not agree with the applicant's suggestion that the St Johns retail offer is potentially different to other out of town retail parks - it is essentially the same.

The applicant asserts that St Johns is not an attractive trading location however this is not a planning consideration. Allowing a wider range of goods will not enhance its locational attraction; although it would have planning ramifications.

The application is seeking to allow for 'leisure' goods. Taunton Town Centre Company has the following concerns;

Town Centre First – Promoting the vitality and viability of town centres is a key NPPF aim, hence the sequential requirement.

Sequentially, town centre buildings and land should be considered. The former Peacocks store on East Street, Que Pasa in High Street and JJB Sports unit within the orchard centre are just some examples of large units currently available. The Taunton town centre Area Action Plan identifies a number of opportunities such as Firepool, High Street and Tangier which could all accommodate large format units. The local authority is working in partnership with landowners on all these sites progressing schemes for submission with availability within 5 years.

A relaxation of conditions to allow out of town 'non bulky' comparison shopping would have a negative impact on the viability of the town centre and delivery of Core Strategy Objective 3 (Town and Other Centres).

In dismissing a recent relaxation of goods appeal at Hankridge (Taunton) the Inspector stated "If permissions were granted in breach of policy without good reason it would be predictable that other applications equally devoid of good reason would follow and be difficult to resist".

This application proposes a condition allowing 20% of the total floor space to clothing and footwear – in reality the retail floor space given over to comparison shopping would be a greater percentage of the sales floor space net of storage/back office functions etc. More likely 1/3 of the total sales floor space.

Turnover per sq.m. would be much higher on the more frequently sold and denser clothing and leisure goods element. This use would have significant impact on current town centre retail operations. If this application were successful it is only a short step to seek to trade other leisure goods such as shoes, dresses, sportswear and equipment etc. on the pretext they are used for "outdoor activities" as proposed in the applicants suggested condition (para 4.15). Taunton Town Centre Company

is concerned that if the relaxation were to be made then the range of permitted goods would be a virtually open-ended comparison goods consent.

Relaxation of conditions to allow comparison goods floor space in an out of town location would undermine the existing opportunities to assist in town centre regeneration, a key objective of the local authority and government policy objective, including Core Strategy Objective 3, policy CP3 and various AAP site specific policies (e.g. Hs1 High St., Fp1 Firepool).

In addition, as turnover for non bulky comparison goods is higher than for bulky goods, it is likely to result in more frequent trips to a non sustainable location, contrary to Core Strategy policies CP1 and CP6.

The principle of relaxing the existing conditions would undermine the Development Plan strategy and should be resisted. It is contrary to Core Strategy Policies CP1, CP3, CP6, Objective 1, 3 and 6, various site specific allocations in the TTCAAP (e.g. Hs1, Fp1) and the aims and objectives underpinning the NPPF.

## **ECONOMIC DEVELOPMENT –**

In principle I'm in favour of this development, which would bring a recognised national retailer to Taunton. Its presence would attract shoppers and visitors to the town, and although it would be in an 'out of town' location, many of those visitors would take the opportunity to visit other local businesses, including competitors in the same retail sector in the town centre. There are no other properties in or nearer the town centre of a suitable size that could accommodate this business.

The 30 jobs proposed would be a valuable enhancement to the economic development of the Borough.

The onus is on the applicant to demonstrate that the development will not have an adverse impact on the town centre.

## **Representations**

The Ward Member has written to state that "I am content to support this application."

One letter of OBJECTION from "Cotswolds Outdoor" - rejecting the relaxation of the user conditions at St John's retail Park. Relaxation would be detrimental to retail in the city centre and we would not take premises in the city centre if go outdoors were to be granted permission. It is imperative that this bulky scheme remains so if the city centre retail offer in Taunton is to have any chance of survival over the long term.

One letter received from TAUNTON CHAMBER OF COMMERCE stating "I totally agree with the position of Graham Love and the Town Centre Company and would support the view that we should be looking at the filling of empty units in the Town Centre as a priority">

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,

CP2 - TD CORE STRATEGY - ECONOMY,  
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
TTCAAP - Taunton Town Centre Area Action Plan,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would result in no payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

As already stated, the application has been submitted alongside an application for a variation of condition to allow clothing and footwear to be sold, thereby enabling Go Outdoors to sell their full range of products.

Go Outdoors is a large national retail company which also operates an Internet shopping facility, including "click and collect". 'Go Outdoors' stores accommodate large display and demonstration areas for tents and camping equipment and furniture which allows customers to view the products in a camp site setting. Approximately 68% of a typical store layout is devoted to the sale and display of tents, camping equipments, accessories and sleeping equipment.

It is acknowledged that the business model of Go Outdoors is atypical in that they require a very large area to display some of their goods. One tent may occupy up to 35 m<sup>2</sup> to display when fully assembled. It is reasonable to expect the full range of goods to be displayed within the store to enable prospective purchasers to view and choose their items. With tents in particular purchasers are likely to want to see how the items are assembled and to look at them in detail. The large display areas required mean that go outdoors find it difficult to source suitable units to accommodate within town centres. In some of their smaller stores Go Outdoors also have external display areas. At St John's Retail Park the provision of an external display area would significantly affect the parking provision at the retail park. There is also insufficient area to the rear of the stores to enable a display area in this location. The display and sale of tents is not generally found within town centres and there are examples elsewhere within the county which range from seasonal outdoor display at out-of-town garden centres to sites for the sale of caravans and associated equipment.

The retail statement submitted with the application goes through the sequential approach in considering the availability of sequentially preferable sites within the town centre. It states that there are currently no retail units available in the town centre of the size required by the applicant. In the retail statement submitted with the application the sites in the TTCAAP have been considered. The TTCAAP limits development in the Coal Orchard to retail units of no more than 100 m<sup>2</sup> gross. The High Street West is unlikely to come forward for regeneration. The High Street East is likely to come forward for redevelopment, however no planning application has been submitted as yet. The applicant considers that it is unlikely to be suitable to accommodate a retail unit of over 3000 m<sup>2</sup> which is would not be an anchor

department store. They also consider that the Firepool site is also unsuitable as the TTCAAP does not consider that large retail units with parking and servicing would be compatible with the development that is sought. They therefore conclude that it is questionable that any new sites would come forward within a reasonable timeframe that would suit the needs of the applicant.

The planning policy objections to this proposal are the application of the sequential test with regard to the location of additional floorspace. Additional floorspace should be provided in a town centre first and if sites are unavailable, only then should edge of centre or out of centre sites be considered.

It is appropriate to consider whether there is scope for flexibility in the format and/or scale of the proposal and what contribution more central sites are able to make, either individually or collectively, to meet the same requirements as the application is intended to meet. Other town centre retailers manage to separate out the display and sale of smaller outdoor pursuits gear from larger items (such as tents) by having seasonal display and sales from out-of-town and outdoor locations, while continuing to sell the smaller items from a town centre store location. Consideration therefore needs to be given whether the uses should be disaggregated and whether town centres sites are available either individually or collectively.

Policy guidance also states that where a proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. St Johns retail park could not be described as being well connected for pedestrians and in terms of car based trips, it is located off one of the main approach roads into the town centre, but has a convoluted vehicle access and exit. Accessibility is therefore considered to be poor.

In terms of retail capacity, this proposal would represent around 29% of the short term floorspace requirement. Such a high figure could seriously undermine the viability of progressing a town centre regeneration opportunity to the wider detriment of delivering the Core Strategy Development Plan Objective 3 "to enhance the role and function of (town centre) regeneration opportunities ... providing foci for employment provision and extending consumer choice...".

There must be a risk that this proposal will have adverse impact on the town centre as suggested by the Town Centre Company and Chamber of Commerce. These valid objections must be given significant weight in the decision. However, they do need to be weighed against the benefits that the existing units are currently vacant and are not contributing to the economic welfare Taunton as a whole. Consideration must also be given to the economic benefits of the proposal, including the provision of 50 jobs. The presence of a national retail store, which is currently not provided for in Taunton, would add to the towns presence and is likely to draw people to Taunton instead of them going further afield.

In summary, the proposal would bring economic benefit to Taunton by the creation of jobs and, due to the requirements of the applicant to provide significantly larger than average display areas, the risk arising from the installation of the mezzanine upon the vitality and viability of the town centre is increased. This needs to be balanced against the impact that could already be experienced from the retail units without any increase in floorspace or the increases allowed under permitted development rights. It is possible to impose a planning condition that requires the mezzanine to be removed once no longer required by the applicant if the specific merits of this

application are accepted. There are risks involved in granting planning permission which are identified in the Planning Policy response. The provision of additional out of town floorspace would potentially undermine the progression of town centre regeneration opportunities and it would open the opportunity for other retailers to submit applications for out of town floorspace. It is considered that the individual merits of this particular application and the opportunity to provide certain restrictions by planning condition would mean that there are a specific set of circumstances that tip the balance in favour of granting planning permission.

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



29/13/0008

MR G COATE

**VARIATION OF CONDITION NUMBERS 2 AND 3 OF APPLICATION 29/11/0013 TO AMEND THE LIST OF APPROVED PLANS AND TO CHANGE SOME OF THE EXTERNAL MATERIALS TO BE USED, ACCESS DETAILS AND LANDSCAPING, AT FELTHAM PARK FARM, FELTHAM, CORFE**

Location: FELTHAM PARK FARM, ADCOMBE LANE, CORFE, TAUNTON, TA3 7DD

Grid Reference: 323105.11688

Removal or Variation of Condition(s)

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

- (A3) DrNo 211/L1C Location Plan
- (A3) DrNo 211/L3C Site Access Plan and Details
- (A3) DrNo 211/L2D Additional Landscaping Plan
- (A3) DrNo 211/L1G Additional Landscaping Plan
- (A3) DrNo 211/G1A (Rev Feb 13) Floor Plan and Typical Section
- (A3) DrNo 211/G2B (Rev Feb 13) Elevations Sheet 1
- (A3) DrNo 211/G3B (Rev Feb13) Elevations Sheet 2

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

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

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

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

3. The Method Statement submitted by Acorn Rural Property Consultants on 22nd December 2011 and accompanying plans DrNo 211/LP1 & 2 showing the retention and/or provision of replacement of habitats and features suitable for use by dormice shall be completely carried out within the first available planting season from the date of this approval. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

Reason: To protect dormice and bird nesting sites and their habitat from damage or disturbance bearing in mind that the dormouse is included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), and Policy CP8 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 with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. With regard to condition 03, the proposed mitigation involves the detailed planting of the new and existing hedgerows along the roadside frontage where the access is derived from. Any new landscaping details, as submitted, are to be included within condition 02.

## PROPOSAL

This application seeks to amend a previously approved application (29/11/0013) for the erection of a barn to provide winter housing for livestock, storage of straw and machinery with a hardstanding around the building. The access will be enlarged and a new access track provided. The building measures 22.86m x 15.25m x 3.6m (eaves) and 5m to the ridge.

The amendments are to the building, access and landscaping: -

#### Amendments to the building

- Changing yorkshire boarding to waney edge boarding.
- Changing green roof to a grey roof and installing clear roof panels.
- Changes to openings within the building.

#### Amendments to access, track and landscaping

- Additional concrete sections at entrance of the access.
- Removing central grass strip from track.
- Revised landscaping scheme - new hedgerow to the east and tree planting to the north.

The application was initially submitted for the changes to the barn and was later amended to include the other works.

Other than the revised landscaping scheme, all works have already been undertaken.

## **SITE DESCRIPTION AND HISTORY**

The site forms part of an agricultural holding within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The proposed barn is also adjacent to Prior's Park and Adcombe Wood SSSI.

Access to the field is via an existing entrance from Feltham Lane and via an existing private access track that leads directly onto the B3170.

The barn, access and track were granted conditional approval in December 2011 and are sited close to an existing smaller building that once formed part of a small historic farmstead.

There is a current application (29/12/0015) that is yet to be determined for a mobile home.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*OTTERFORD PARISH COUNCIL* - Following observations: -

- Objects on grounds of visual impact.
- Agrees with comments of AONB and objects to the application.

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

*BIODIVERSITY* - No further observations.

*NATURAL ENGLAND* - Initial comments on amendments to the building: -

This application is in close proximity to Prior's Park and Adcombe Wood SSSI. Natural England is satisfied that the proposed variation as long as it is carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

*Additional comments including alterations to the access: -*

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 22 May 2013.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application relate largely to access and landscaping and are unlikely to have significantly different impacts on the natural environment than the original proposal.

*BLACKDOWN HILLS AONB SERVICE - Initial comments on amendments to building:*

As I am sure you will be aware from comments submitted in response to previous related applications at this location, the AONB Partnership has grave concerns regarding development at this site in respect of conserving and enhancing the natural beauty of the AONB. Given that the appearance and potential visual impact of the agricultural building has been the subject of considerable discussion it is therefore alarming to see that it has been constructed with scant regard to the detail of the permission.

Agricultural buildings typically utilise vertical Yorkshire boarding; horizontal waney edge boarding tends to suggest a more domesticated setting, an impression at odds with the setting. Additionally, the roof is particularly prominent against the dark forested backdrop – a darker roof colour would help to assimilate the building into its surroundings. The introduction of black doors and rainwater goods also serve to draw attention through the colour contrast with the walls.

*Additional comments including alterations to access:-*

Furthermore the new proposed treatment of the access to the site, with a larger concrete splay and gates replacing the cattle grid, is inappropriate in this rural setting and are detrimental to the natural beauty of the AONB. The addition of a new hedge and tree planting does not compensate for the major changes made to the design and materials of the building which is at odds with the landscape character of this part of the AONB.

Considerable discussions and consideration was given to the conditions attached to approved permission, I can see no good reason to accept the proposed changes which conflict with the conservation and enhancement of the AONB.

*LANDSCAPE - Initial comments on amendments to the building: -*

Subject to amendments to the proposed landscaping and earth mounding it should be possible to soften the proposed changes to the barn except for the rooflights which are likely to intend to increase light spillage especially during winter months.

*Additional comments including alterations to the access: -*

Revised landscape details should help to soften the impact of the proposed barn and access track.

*PITMINSTER PARISH COUNCIL* - The application to vary the conditions will result in a detrimental impact on the landscape and the AONB. Furthermore the access way and track are not constructed to the approved drawings.

## **Representations**

1 letter of REPRESENTATION raising the following issues: -

- Feltham Farm only property directly affected and we have no problem with barn.
- Would appreciate roof being painted green and trees being planted to screen barn and to blend into countryside.
- Have spoke to Mr Coates who is happy to do so if TDBC agree.

3 letters of OBJECTION raising the following issues: -

- Roof should have been constructed in dark green steel, not anthracite colour fibre cement.
- Roof more conspicuous in AONB, particularly in winter.
- Cladding applied to road facing gable is prominent in landscape given size of boards and colour of stain.
- Alterations to building unacceptable in landscape terms, in highly visible position, in AONB, especially for 6 months when no leaves on trees.
- Alterations to building not justified.
- How can condition for materials be varied?
- Additional doors would allow additional noise and smell.
- Access track and splay exceed approved plans to detriment of rural character of the lane to Feltham.
- Access and track not built in accordance with approved plans. Why was tarmac changed to concrete?
- Approved grass contoured mounding not as approved on site layout drawing.
- Little support from Natural England because of adverse impact on the SSSI or AONB, to prevent further damage the application should be refused.
- No mention of reinstatement of a hedge that has been removed.
- Natural England recommended and part funded building for 30 head of cattle, considered necessary for good management of the SSSI. It was never designed for Alpaca, and does not comply with BAS recommendations for Alpaca welfare.

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

None.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main consideration is the impact the proposed changes to the access, track, building and landscaping have on the visual amenity, wider landscape and AONB.

### Landscape/AONB/Amenity

The site is within a sensitive location, within the AONB, and views to the Blackdowns Ridge.

Access and track - The removal of the grass strip is not considered detrimental to the visual amenity of the area. The track is partially screened and additional planting is proposed that would screen the track from the SSSI.

Additional sections that adjoin the highway, when taking into consideration that an access has been approved with a concrete apron, is not considered to be detrimental to the character of the area. It is not uncommon to have a concrete access leading to an agricultural holding/farm.

Building - Though the use of Yorkshire boarding on agricultural buildings is more common than Waney edge boarding, the change in the design of the material is not considered so detrimental as to warrant refusal. Waney edge boarding can be found on buildings within the AONB, even if it is considered to be used on more domestic buildings.

Changing the roof from the previously approved green to grey is acceptable and likely to be an improvement in terms of visual amenity.

The introduction of clear panels has raised some concern, though these panels are not uncommon within the roof of an agricultural building. Whilst the building is located within a sensitive area, it is unlikely that any lighting within the building would be on for long durations. The applicant has confirmed that any lighting would be on an ad hoc basis to attend to animal welfare issues. Furthermore, the clear panels provide natural daylight to the building.

Changes to the openings are not considered detrimental to the overall design of the building that has been granted permission.

### Wildlife

Natural England have not objected to the proposed amendments and neither has the Local Authority Biodiversity Officer. Additional landscaping should still be undertaken to reinforce the existing hedge boundary to encourage habitat for dormice, as previously approved.

### Highways

The Highway Authority have not raised any comments on the amended scheme.

The track is sited in the same location as previously approved and has been amended by removing a central grass strip. At the entrance to the site, two small additional sections of concrete have been proposed. These sections of concrete have been included to protect a piped ditch that runs underneath.

As with the previously approved scheme, the access provides the necessary visibility splays and surface water surface water will run to a piped ditch under the new concrete apron.

#### Other matters relating to objections received

Prior to the submission of this application there have been site visits from the Enforcement Officer and Landscape Officer to look at any works that were undertaken not in accordance with the approved plans. This has led to this application being submitted to regularise any works.

Whether there is justification for the altered works to the barn (weather, prevailing wind etc) is not a main consideration in determining whether the alterations are acceptable.

The individuals farming practice and impact on the land is not for consideration or assessment, only whether the proposed amendments, over what was previously approved, are acceptable.

The building was granted as an agricultural barn. The use of the land may change and livestock may also change, the fact that the buildings was previously proposed for a herd of 30 cattle was not a sole reason in granting consent.

Additional openings within the building are not considered to cause any detrimental increase in noise or odour beyond the existing farm that can keep animals outside of the barn for a large part of the year.

#### Conclusion

The proposals amendments can be accommodated without any detrimental harm to the landscape character of the area, the character and appearance of the AONB, and the visual amenity of the area. The proposals are therefore considered acceptable and 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 D Addicott Tel: 01823 356463**

11/13/0007

MR J MANNING

**ERECTION OF TWO STOREY SIDE AND REAR EXTENSION OF 2 CAPES COTTAGES, COMBE FLOREY (AS AMENDED)**

Location: 2 CAPES COTTAGES, COMBE TOWER LANE, COMBE FLOREY,  
TAUNTON, TA4 3JF

Grid Reference: 314711.131187

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:

(A3) DrNo X31/2C Proposed Plans  
(A3) DrNo X31/1 Existing Plans  
(A4) DrNo X31/3 Site and Location Plan

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

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 West 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 DM1(E) of the Taunton Deane Core Strategy.

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



Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the two bathroom windows to be installed in the West elevation of the extension shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1(E) 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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

### **PROPOSAL**

The application, as amended, seeks planning permission for the erection of a two storey extension to the side and rear of 2 Capes Cottages, Combe Florey.

The proposed extensions will provide for a garage and new kitchen at ground floor with two en suite bedrooms above. The extension will be finished externally with rendered walls, clay roof tiles and timber fenestration. In terms of scale, the extension will have a width and depth of 3.4m and 11.1m respectively; the roof will tie in at eaves and ridge level with the original building.

### **SITE DESCRIPTION AND HISTORY**

2 Capes Cottages is a two bed semi detached dwelling located to the Western extent of Combe Florey. The original dwelling is of rough cast rendered walls painted a light pink, clay roof tiles and timber fenestration. There are gardens to the North and off road parking to the South of the dwelling. The site is set on sloping land that descends to the East and ascends to the West. There are residential properties to the East and West.

### **CONSULTATION AND REPRESENTATION RESPONSES**

#### **Consultees**

*COMBE FLOREY PARISH COUNCIL* - Object to the proposals for the following reasons:

In the first instance, it is considered that the size of this extension is of significant concern. The existing property is a two bedroom cottage and the current application will change this to a four bedroom dwelling. This increase in floor area is considered to be tantamount to an almost doubling of the size of the property with the original

part of the property being read as subservient to the extension and the overall appearance not being in keeping with existing properties and its location. Consequently, it is considered this scheme represents a form of development contrary to part C of saved Local Plan Policy H17.

As a degree of excavation will be required to allow the extension to fit and there will not be any pedestrian access from the front to the back of the house (as there simply is not enough room to create a path), it is considered this clearly demonstrates that the current design scale is far too large.

It is also considered that the development will have a significant impact on the surrounding properties, particularly through the presence of a westward facing bedroom window at first floor which will erode privacy. Combined with two en-suite windows and the scale and mass of the proposed extension, it is considered this development will result in a loss of private amenity and create an overbearing impact on neighbouring properties contrary to Part A of Policy H17.

## **Representations**

3 letters of OBJECTION from the owners of both neighbouring properties, raising the following planning related issues:

- We feel that the proposals will effectively double the footprint of one side of a pair of rural cottages (the clue is in the historic address) from a 2 Bedroom Rural Cottage to 4 Bedroom Urban house purely by “Garden Grabbing” – it will add the equivalent of an additional cottage to the existing pair and create a massive imbalance;
- The proposed extension by reason of its size and siting, would have an adverse impact on the scale and character of the existing dwelling (being one of a “pigeon” pair of rural cottages);
- The proposed extension would be out of keeping with the design and character of a pair of semi detached rural cottages – named “Capes Cottages”;
- The proposed extension by reason of its scale and bulk would be out of keeping with the design and character of the existing dwelling and would have an adverse effect on the visual amenity of the area as a whole (adjoining an SSSI);
- The proposed extension by reason of its siting would result in an unacceptable loss of privacy, adversely affecting the amenities enjoyed by the occupiers of the adjoining cottage;
- The proposed extension by reason of its size and siting represents an unneighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of an overbearing effect;
- The proposal by means of the overall floor area (doubling the existing) created and in the absence of any very special circumstances would lead to an inappropriate form of development, detrimental to its open, rural and undeveloped character Insufficient parking space for a 4 Bed property will adversely effect the amenity of surrounding properties by roadside parking on the narrow lane frontage;
- The infrastructure (Storm and Foul Drainage – Septic Tank) is at capacity and not designed to take the additional burden of doubling the size of the property;
- The proposed extension impinges on a rather fragile retaining structure holding back a bank and safe pedestrian access to the rear seems very doubtful.

## **PLANNING POLICIES**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider are the impact of the proposed extension upon residential amenity and the character and appearance of the original building, paying particular regard to design, scale and massing.

### Residential amenity

Objection has been received from neighbouring residents and owners of 1 Capes Cottages and the Parish Council, who are concerned that the proposed development would result in a loss of privacy and have an overbearing impact upon the amenity of the neighbouring properties.

The proposed extension would be sited within a close proximity of the Western boundary of the property; to the West is Capes Bungalow, a large detached property with formal private gardens to the North and West of the dwelling house; there is a less formal garden to the front although it is well screened and between the neighbouring property and application site is the driveway and parking/turning areas that serve Capes Bungalow.

The first floor West elevation has been amended and now provides for two obscure glazed windows serving en suite bathrooms. The openings are small (approximately 600mm x 800mm). There is quite a significant change in levels between the application site and the property to the West; there is also boundary fencing and planting between the properties. The amendments are considered to overcome the initial concerns regarding overlooking and loss of privacy. Conditions can ensure that privacy is retained, although it is acknowledged that any West facing window would only overlook a parking area and driveway, and not formal private gardens.

With regard to scale, mass and any overbearing impact, the significant change in site levels to the West will reduce the overall height of the building when seen from Capes Bungalow. The sites are well separated and the area between, being a driveway and parking area, is not somewhere that is likely to be used at present for enjoyment; such is more likely to be refined to the private gardens to the West of the bungalow. Any view out from habitable rooms will see the extension but the degree of separation will reduce a significant adverse impact upon outlook to a degree that is considered to be acceptable.

### Design Scale and Impact upon dwelling

Objections have been made as to the scale, design and massing of the proposed extension, which is said to be too large for the site and detrimental to visual amenity and the character and appearance of the dwelling. I do not agree that this is the case and these objections do not specifically refer to any particular areas of harm. The scheme has been amended to remove a small extension to the front of the garage and a lean-to roof over the garage door. Such gives a greater degree of balance and improves the overall design and appearance of the extension.

The proposed extension is not subservient to the original dwelling, which is considered to be acceptable in this instance despite the requirements of retained Local Plan Policy H17. The adjoining property at 1 Capes Cottages is stepped downhill and below the level of the application site at eaves, ridge and finished floor levels. With land levels rising to the West, a subservient extension would appear at odds with the appearance of the original semi detached properties and on this basis the proposed ridge and eaves levels are considered to be necessary in order to ensure the extension is acceptable in visual terms.

With regard to design and materials, the proposal is considered to take account of the original building and its surroundings; the proposed extension appropriately reflects the character and appearance of the original dwelling within the amended scheme. It has been suggested that the proposal is garden grabbing, however I do not consider this to be the case. The majority of the extension will be sited over an under utilised area of the site that can easily accommodate an extension. There will remain a large garden to the rear and sufficient parking to the front to provide for at least three parking spaces. It is a well established principle to extend residential properties over areas of garden; the term garden grabbing is considered to better relate to the erection of new dwellings on garden land.

It is accepted that the proposed extension will all but double the size of the original dwelling, however it is noted that 1 Capes Cottage appears from the front to be larger than the application site. The modest proposed extension is considered to be of a design, scale and finished appearance that will not adversely impact upon visual amenity or the character and appearance of the original dwelling. The site is not within the Conservation Area and whilst the pair of cottages are of a traditional character, they are not of any significant historic merit.

Matters such as foul drainage will be dealt with separately by building control however it is understood that capacity is available within the existing system.

### Conclusions

The proposed extension is considered to be acceptable and will not adversely impact upon visual or residential amenity to a degree that warrants refusal. The character and appearance of the original dwelling will be preserved and it is therefore recommended that planning permission be granted subject to conditions.

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

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

**E/0127/49/13**

**SITING OF MOBILE HOME AFTER EXPIRY OF TEMPORARY PLANNING PERMISSION AT WEST VIEW FARM, CULVERHAY LANE, WIVELISCOMBE**

**OCCUPIER:**

**OWNER:** MRS S NEATE  
WEST VIEW FARM, CULVERHAY LANE, WIVELISCOMBE  
TAUNTON  
TA4 2AA

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a mobile home sited on the land after the expiry of a temporary permission.

**RECOMMENDATION**

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

The Enforcement Notice shall require:-

- to cease the use of the mobile home for residential purposes and remove it from the land.

Time for compliance: 3 months from the date the notice comes into effect.

**REASONS FOR SERVING NOTICE:**

It is considered that there is no clearly established existing functional need for a worker to be readily available at most times. Despite having a temporary planning permission for the last 3 years, there has been no attempt to develop the planned enterprise and there does not appear to be any intent to do so. It is, therefore, considered that there is no essential need for a rural worker to live at the site in accordance with paragraph 55 of the National Planning Policy Framework and consequently the proposal represents an unjustified dwelling outside the defined settlement limits, the cumulative impact of which would lead to unplanned sporadic extension of settlements, detrimental to the character and appearance of the countryside and collectively increasing the need to travel by private car in order to access day to day services. The proposals would, therefore, be contrary to Policies SP1 (Sustainable Development Locations), CP8 (Environment) and DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

**SITE DESCRIPTION**

The site is on an elevated hill-top location, accessed via a steep track from the south off Culverhay Lane. There is another access to the site via South Street. The site has a hedge boundary to the front, but the northern boundary is formed by a timber fence, to the east is an existing stone faced barn.

## **BACKGROUND**

The complaint was received following the expiry of the temporary permission for the mobile home. Contact was made with Mrs Neate who advised that she intended to submit another planning application to extend the permission. She advised that she had contacted the agents that had put the original application in but to date no application has been received.

## **DESCRIPTION OF BREACH OF PLANNING CONTROL**

The siting and occupation of a mobile home after the expiration of the temporary planning permission.

## **RELEVANT PLANNING HISTORY**

In 2008 an application was received for the conversion and change of use of agricultural barn to form a single dwelling but was refused on the 24 October 2008. An appeal was received and subsequently dismissed on the 29 July 2009.

Planning permission was granted for a mobile home on 10 August 2010 for a temporary period of 3 years.

At the same time a change of use application for land to mixed agricultural and pheasant rearing use was approved 10 August 2010.

## **RELEVANT PLANNING POLICES**

### National Planning Policy Framework

Enforcement (Paragraph 207)

### Taunton Deane Core Strategy

CP8 - Environment

DM2 - Development in the Countryside

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is outside the settlement limit for Wiveliscombe. In such locations, Policies CP8 and DM2 of the Taunton Deane Core Strategy place a general presumption against new residential development. Previously, planning permission was granted for a caravan for a temporary 3 year period to enable the applicant to establish a pheasant rearing enterprise on the land. That application was accompanied by an agricultural appraisal that showed that, if the business developed as planned, there would have been an essential need for a worker to live on the site.

Since the grant of planning permission, despite the applicant's occupation of the caravan, there has been no pheasant rearing activity on the site. It is now considered that there is no existing functional need for the dwelling and the past history of the last 3 years suggests that there is no firm intention to develop any new enterprise. The mobile home can no longer be considered necessary on the site and as such, it represents an unjustified dwelling in the open countryside. Such is contrary to policy and there are no material considerations that indicate otherwise

that the development may be acceptable.

It is, therefore, recommended that an enforcement notice is served.

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

**PLANNING OFFICER: Mr M Bale**

**PLANNING ENFORCEMENT OFFICER: Mrs A Dunford**

**CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479**

**APPEAL DECISIONS FOR COMMITTEE AGENDA – 27 NOVEMBER 2013**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>INSPECTOR'S REMARKS</b>
APP/D3315/A/13/2196361	ERECTION OF AN AGRICULTURAL WORKERS DWELLING AT HATCH GREEN NURSERY, CAPLAND, HATCH BEAUCHAMP	The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine appropriate rural need. Whilst there is a business being operated from the site, that overall business appears to be of a nature where the vast majority of work can be carried out during part of the normal working day (however long that day may be). As such, it has not been proven that there is an essential need for a worker to live permanently on the site or that the needs of the enterprise could not be fulfilled by any other existing accommodation in the area. In addition, it is not considered that the financial information provided has demonstrated that the business is currently financially sound, has a clear prospect of	19/12/0010	The Inspector found, after consideration, there is sufficient justification in this case to demonstrate the essential need for the rural worker's dwelling in this countryside location. He found the proposed development would accord with the Framework. The appeal therefore succeeds with conditions to confirm all the plans upon which the decision has been made, to safeguard visual amenity, restricting permitted development rights, highway safety and restricting the nature of occupation. The wording of some of the suggested conditions has been amended in light of the advice in Circular 11/05 and in the interests of consistency, clarity and enforceability.



		<p>remaining so and could sustain a new dwelling, particularly one of the substantial size and construction proposed. The scheme therefore represents an unjustified dwelling outside of settlement limits, increasing the need to travel by private car. As such, the proposal is contrary to Policies CP1(a) (Climate Change), SP1 (Sustainable Development Locations) and SP4 (Realising the vision for the Rural Area) of the Taunton Deane Core Strategy, Policies STR1 &amp; STR6 of the Somerset &amp; Exmoor National Park Joint Structure Plan Review and Paragraph 55 of the National Planning Policy Framework 2012.</p>		
APP/D3315/A/13/2 206515	<p>CHANGE OF USE OF LAND TO SITE 5 NO. MOBILE HOMES AND 5 NO. TOURING CARAVANS WITH THE CONVERSION OF STABLES TO A UTILITY BLOCK AT LAPTHORN, ADSBOROUGH</p>		14/12/0015	Appeal WITHDRAWN on 11 November 2013.

APP/D3315/C/13/2 199572	UNAUTHORISED BUSINESS RUNNING FROM FARTHINGS FARM, LIPE HILL LANE, COMEYTROWE, TAUNTON	Breach of planning control: Without planning permission, change of use of the site from use for agriculture to use as a wood processing business.	E/0122/42/12	The Inspector found the enforcement notice attacks a wood processing business and requires, in short, that use to cease and to cease using all associated plant and/or machinery. The requirements of the notice do not exceed what is necessary to remedy the breach of planning control and so the ground (f) appeal fails. The Inspector DISMISSED the appeal and determined the enforcement notice should be upheld without any variation to its steps.
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**APPEALS RECEIVED FOR COMMITTEE AGENDA – 27 NOVEMBER 2013**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/D/13/2207667	CHANGE OF USE OF LAND TO INCORPORATE INTO DOMESTIC CURTILAGE, CONVERSION OF OUTBUILDINGS TO FORM LINKED ANCILLARY GRANNY ANNEXE, ERECTION OF FIRST FLOOR, TWO STOREY AND SINGLE STOREY EXTENSION TO THE MAIN DWELLING TO INCLUDE DOUBLE GARAGE AND CONVERSION AND EXTENSION OF ROOF SPACE TO PROVIDE ADDITIONAL ACCOMMODATION AT THE GOLDINGS, RED LANE, CHURCHINFORD	10/13/0019

## **Planning Committee – 27 November 2013**

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

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

Also present: Councillor Cavill for application No's 38/13/0267 and 38/13/0265.  
Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### **138. Apologies/Substitution**

Apologies: Councillors C Hill, Miss James and Morrell

Substitution: Councillor Ms Webber for Councillor C Hill

### **139. Minutes**

The minutes of the meeting of the Planning Committee held on the 6  
November 2013, were taken and read and were signed.

### **140. Declarations of Interest**

Councillor Nottrodt declared a personal interest as a Director of Southwest  
One. Councillor Mrs Hill declared a personal interest as an employee of  
Somerset County Council. Councillors Coles, A Wedderkopp and  
D Wedderkopp declared personal interests as Members of Somerset County  
Council. Councillor Gaines declared that the enforcement item No  
E/0127/49/13 was in his ward. He felt that he had not "fettered his discretion."  
Councillor Tooze declared a personal interest as an employee of UK  
Hydrographic Office. Councillor Watson declared that he had attended a  
meeting where application No 11/13/0007 had been discussed. He felt that  
he had not "fettered his discretion". Councillor Wren declared a personal  
interest as an employee of Natural England. All Councillors declared that they  
had received correspondence from the applicant for application Nos  
38/13/0267 and 38/13/0265. They all felt that they had not "fettered their  
discretions".

### **141. 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:-

**38/13/0267**

**Variation of condition No 24 of application 38/98/0441 to allow for occupation of the vacant units by Go Outdoors, a camping and leisure goods retailer at Units 2 and 3, St Johns Retail Park, Priory Way, Taunton**

### **Conditions**

- (a) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for parking of vehicles in connection with the development hereby permitted;
- (b) The area shown on the submitted plan for the loading, unloading, turning and parking of vehicles shall not be used for any other purpose other than for the loading/unloading, turning and parking of vehicles;
- (c) The proposed road within the site shall be kept free from obstruction at all times;
- (d) No refuse or waste materials shall be disposed of by burning on any part the site;
- (e) No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority;
- (f) The open areas within the site shall be used solely for the purpose shown on the approved layout that is for the parking of vehicles, access, manoeuvring, loading/unloading and amenity purposes only. No part of the site shall be used other than as shown on the approved layout without the prior written permission of the Local Planning Authority;
- (g) The areas allocated as service yards on the approved plan shall not be used other than for the loading/unloading and manoeuvring of vehicles in connection with the use of the premises as retail warehousing and no servicing of the premises shall take place from the adjacent highway;
- (h) All services shall be placed underground;

- (i) The minimum unit size shall be restricted to 10,000 sq ft/929 sq m gross floorspace and there shall be no internal sub-division of this floorspace leading to either the creation of separate or franchised retail units;
- (j) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the site and buildings shall only be used for the sale of the following goods:-
  - (i) All types of furnishings and furniture including flat pack self-assembly and ready-assembled soft furnishings such as curtains, co-ordinates, fabrics, (excluding blankets, duvets and non-co-ordinates, fabrics), Venetian and roller blinds and associated fittings, carpets and floor coverings;
  - (ii) All DIY goods including tools, hardware, shelving, sanitary ware and plumbing goods, associated electrical goods, decorating products, light fittings, heating and building supplies including hiring facilities;
  - (iii) Garden products including plants, garden buildings, furniture, machinery and general garden supplies;
  - (iv) Electrical, gas electronic and battery operated household office and domestic products and appliances, electronic games, photographic equipment including camcorders and cameras and ancillary goods together with ancillary service departments;
  - (v) Vehicle goods, parts, equipment and accessories including towing, rallying goods and parts equipment, accessories and tools of all kinds, camping and caravanning goods, cycles, cycle goods, parts, equipment, accessories and cycling related fitness goods, outdoor pursuit equipment, watersport equipment, snowsport equipment, fishing equipment, mountaineering equipment, climbing equipment, running and equestrian goods;
  - (vi) Associated ancillary confection and non-alcoholic beverage sales;
  - (vii) Videos and video hire;
  - (viii) Office supplies including equipment, furniture, electrical and battery operated equipment, office stationery, computers and associated equipment, parts supply and fittings;
  - (ix) Pets, pet products, pet foods and associated supplies;

Where the primary use of the building is for the sale of goods identified in clause (v) above, no more than 20% of the internal net floor area of the store shall be used for the sale of clothing and footwear which shall be directly associated with the range of goods permitted.

(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 had negotiated amendments to the application to enable the grant of planning permission.)

**38/13/0265**

**Installation of Mezzanine floor extending to 1,115sqm and external alterations associated with the amalgamation of Units 2 and 3 St John's Retail Park, Priory Way, Taunton**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) SiteLocation Plan;
  - (A1) DrNo 01 Existing Site Plan;
  - (A1) DrNo 02 Existing Store Plan;
  - (A1) DrNo 03 Existing Elevations;
  - (A1) DrNo 04 Proposed Site Plan;
  - (A1) Dr No 05 Rev P4 Proposed Store Plan;
  - (A1) DrNo 06 Rev P3 Proposed Mezzanine Plan;
  - (A1) DrNo 07 Proposed Elevations;
- (c) The retail area of the Mezzanine floor shown on drawing No. 1386-06 Rev P3, hereby permitted shall only be used for the display of goods by the shop known as "Go Outdoors" and except for the area which would be allowed under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification) the mezzanine shall be removed as soon as "Go Outdoors" ceases to operate from the premises.

(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 had negotiated amendments to the application to enable the grant of planning permission.)

**29/13/0008**

**Variation of condition Nos 2 and 3 of application No 29/11/0013 to amend the list of approved plans and to change some of the external materials to be used, access details and landscaping, at Feltham Park Farm, Feltham, Corfe**

**Condition**

(a) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo 211/L1C Location Plan;
- (A3) DrNo 211/L3C Site Access Plan and Details;
- (A3) DrNo 211/L2D Additional Landscaping Plan;
- (A3) DrNo L1G Additional Landscaping Plan;
- (A3) DrNo G1A (Rev Feb 13) Floor Plan and Typical Section;
- (A3) DrNo G2B (Rev Feb 13) Elevations Sheet 1;
- (A3) DrNo G3B (Rev Feb13) Elevations Sheet 2;

(b) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planning season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

(c) The Method Statement submitted by Acorn Rural Property Consultants on 22 December 2011 and accompanying plans Drawing No 211/LP1 and 2 showing the retention and/or provision of replacement of habitats and features suitable for use by dormice shall be completely carried out within the first available planting season from the date of this approval. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

(Notes to applicant:- (i) 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; (ii) With regard to condition (c), applicant was advised that the proposed mitigation involves the detailed planting of the new and existing hedgerows along the roadside frontage where the access is derived from. Any new landscaping details, as submitted, are to be included within condition (b).)

**11/13/0007**

**Erection of two storey side and rear extension of 2 Capes Cottages, Combe Florey**

### **Conditions**

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

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-



- (A3) DrNo X31/2C Proposed Plans;
  - (A3) DrNo X31/1 Existing Plans;
  - (A4) DrNo X31/3 Site and Location Plan;
- (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 windows/dormer windows shall be installed in the west elevation of the development hereby permitted without the further grant of planning permission;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the two bathroom windows to be installed in the west elevation of the extension shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (e) The garage doors to be installed in the extension hereby permitted shall be side hung timber doors constructed and finished in accordance with details that shall have been submitted to, and agreed in writing by, the Local Planning Authority prior to their installation and shall thereafter be maintained as such.

(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 had negotiated amendments to the application to enable the grant of planning permission.)

**142. E/0127/49/13 – Siting of Mobile Home after expiry of temporary planning permission at West View Farm, Culverhay Lane, Wiveliscombe**

A complaint had recently been received about the continued siting of a mobile home on land at West View Farm, Culverhay Lane, Wiveliscombe following the expiration of a temporary planning permission. .

Contact had been made with the owner of the land who advised that she intended to submit another planning application to extend the permission. Although she had been in contact with the agents who had submitted the original application, to date no further application had been received.

The mobile home was currently still in position on the land and was being used for residential purposes.

**Resolved** that:-

- (1) Enforcement action be authorised to stop the use of the land at West View Farm, Culverhay Lane, Wiveliscombe for the stationing of a mobile home being used for residential purposes and to seek its removal from the land;
- (2) Any enforcement notice served should have a three month compliance period and;
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

### **143. Appeals**

Reported that one new appeal had been lodged and three decisions received since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 6.55 pm.)