

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 11 December 2013 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 27 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 24/13/0048 - Outline application with all matters reserved for a residential development for 20 dwellings and associated public open space and allotments at land to the North West of Overlands, North Curry (amended scheme to 24/13/0032) (as amended by revised documents received 11 November 2013).
- 6 25/13/0028 - Erection of single storey rear extension at Shippon Barn, Norton Fitzwarren (amended scheme to 25/13/0016).
- 7 27/13/0017 - Change of use of agricultural land with erection of buildings to form Boarding Kennels and isolation unit, with replacement access and driveway at Fiveoak Boarding, Hillfarrance, Oake.
- 8 29/12/0015 - Change of use of land to site temporary agricultural workers mobile home with hardstanding and associated works and renovation/formation of traditional Stone Barn at Feltham Park Farm, Corfe (part retention of works already undertaken, resubmission of 29/12/0004) (as amended).
- 9 38/13/0438 - Erection of 4 No two bedroomed dwellings and 1 no garage on Land at Bacon Drive, Taunton (resubmission of 38/13/0370).
- 10 Appeal received

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be

disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 11 Schedule of Alleged Contraventions up to 30th September. Report of the Development Management Lead (attached). Clause 2 – Information which would reveal the identity of an individual.’

Reporting Officer: Bryn Kitching

Bruce Lang  
Assistant Chief Executive

11 March 2014

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

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) LTD

**OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR A RESIDENTIAL DEVELOPMENT FOR 20 DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE AND ALLOTMENTS AT LAND TO THE NORTH WEST OF OVERLANDS, NORTH CURRY (AMENDED SCHEME TO 24/13/0032) (AS AMENDED BY REVISED DOCUMENTS RECEIVED 11 NOVEMBER 2013)**

Location: LAND TO NORTH WEST OF OVERLANDS, NORTH CURRY

Grid Reference: 332205.125151

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and is therefore considered to be contrary to policies CP8, SP1 and DM2 of the Taunton Deane Core Strategy.

The Council's Preferred Options as part of its Site Allocations and Development Management Plan are still out at public consultation. A number of sites have been promoted as being available for development and, as the overall rural housing target has been met there is no immediate need to bring sites forward in advance of the Plan led system. Rather, approving this application in advance of the plan process could result in development of a less sustainable site than would otherwise occur thus resulting in adverse impacts significantly outweighing the benefits, contrary to policy SD1 of the Core Strategy.

- 2 The proposal does not provide a suitable means for securing the appropriate affordable housing, community/leisure facilities, maintenance of on site facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan or education contributions and therefore would be contrary to policies CP4, CP5, CP6 and CP7 of the Taunton Deane Core Strategy, and retained policy C4 of the Taunton Deane Local Plan.

- 3 The applicant cannot demonstrate that there would be a legal and achievable link from the proposed development through either Canterbury Drive or Nine Acre Lane, and in the absence of this, the site remains remote from the village facilities, increasing the likelihood of car usage, making the site unsustainable, and therefore contrary to the National Planning Policy Framework and objective 1 and 6 and policies SD1, CP6, CP8, SP1 and SP4 of the Taunton Deane Adopted Core Strategy.

- 4 In accordance with the National Playing Fields Association standards for

play provision, to meet the needs of the development a childrens play area should exist no further than 400 metres away from the development. The existing parish play area and the shortest walking route to it as proposed by this development would greatly exceed this standard. On this basis the site should provide a Locally Equipped Area for Play (LEAP) of at least 400 sq. m. The application makes no such on-site provision for childrens play. Therefore, the proposal is contrary to retained Local Plan Policy C4, which seeks the provision for play and active recreation for the future residents on development schemes.

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

### Notes to Applicant

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

## **PROPOSAL**

Planning permission is sought, in outline, for a development of 20 houses, on land at the southern end of North Curry bounded by Canterbury Drive, Manor Farm, Overlands, and open countryside beyond. A feasibility study forms part of the proposal and shows a mixture of attached, semi-detached and terraced properties, 5 of which are clearly identified as affordable units. A central spine road is shown running through the site with some footpaths and separate pedestrian movement channels. The northern half of the site is shown containing public open space which would form a buffer between the proposed dwellings, the adjacent grade II\* Listed Building - 'Manor Farm' other listed structures, the North Curry Conservation Area and the newer properties on Canterbury Drive. The open space includes an attenuation pond, to help with flood alleviation, a car park (for 10 vehicles) and a small area for allotments. The open space also shows a footpath link through to Nine Acre Lane, but the submission does not indicate how Nine Acre Lane might become available for public use. Vehicular access into/out from the site is shown off Overlands only. Landscaping is indicated, with a strong emphasis on boundary hedging where the site would border the open countryside. However, the submitted layout is clearly only illustrative as the proposal seeks permission with all matters to be reserved.

The application includes a Design and Access statement/Planning Statement, a flood risk assessment, an ecological survey, a tree survey, vegetation appraisal and constraints, a travel plan statement, and a transport statement, although it must be emphasised that much of this information is a straightforward copy of that submitted with a previous application for 30 dwellings (now refused permission). The Applicant has been asked to specifically amend, supplement and tailor the information to

relate to the current proposal only, and some of this information has been accordingly amended.

## **SITE DESCRIPTION AND HISTORY**

The proposal site is an area of land of approximately 2.34 hectares in size, to the south of the public footpath (P.R.o.W) linking Stoke Road with Overlands and running parallel with White Street, on the south-eastern edge of North Curry.

The land is currently outside of the settlement limits as defined in the 'Settlements Limit Review' forming part of the Adopted Core Strategy for which a consultation process was undertaken earlier this year. Following 2 further consultation processes on the allocation of sites for housing development, the current application site is now identified as a preferred option, a status which is itself out for further public consultation.

The site was the subject of an application for the development of 30 houses in two phases, which was considered by Members at their meeting at the beginning of September. That application (24/13/0032) was refused, primarily because it was identified as being 'premature' within the Local Plan process. Refusal of that application is currently under appeal, to be dealt with by the written representation method. A decision on that appeal is unlikely to be made until the New Year.

Applications for Planning permission and Listed Building consent are also currently being considered for the conversion of outbuildings at Manor Farm, Stoke Road (immediately adjacent to the current application site) to form residential dwellings and ancillary uses. These are concurrent application and are awaiting an opinion from English Heritage (given that it affects Listed Buildings). So the decision is still pending.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### ***PLANNING POLICY -***

The application site is beyond settlement limits and its development for housing would consequently be contrary to policies CP8, SP1 and DM2 of the adopted Core Strategy. The site is proposed for allocation within the Council's emerging Site Allocations and Development Management Plan (SADMP) which has recently been published for public consultation. The proposal accords with that proposed allocation although it should be noted that since the Plan has not yet reached its 'Draft' stage, the Council has not as of yet formally identified development requirements for an allocation on this site.

Whilst the Overlands site has now been identified in the SADMP Preferred Options, Officer's previous concerns about prematurity remain. The outcome of the Preferred Options consultation is currently unknown and it is likely that the promoters of alternative sites would still wish to see their sites considered fully through the development plan process.



Should planning consent be granted on the Overlands site this would likely prejudice the final outcome of the SADMP which is still to be examined by an independent planning inspector. It could also increase the risk of further, un-planned development being consented within the Village counter to the emerging SADMP.

For these reasons, and irrespective of whether Overlands is the 'best' site for the Village, it is clear that that the potential adverse impacts of granting planning permission at this time outweigh any benefits that may arise from a planning consent.

*NORTH CURRY PARISH COUNCIL -*

Objects to the granting of permission as it considers the application pre-empts the result of the Site Allocations and Development Management Plan consultation that is currently under way. The site is currently outside the settlement limit of North Curry and, until the consultation is complete, changes to these limits are unknown.

*SCC - TRANSPORT DEVELOPMENT GROUP -*

The Highway Authority has the following observations to make on this proposal.

Traffic Movements

The estimated trip generation for this development would be unlikely to have a significant impact on the local road network. In terms of the distribution it is assumed that the majority of traffic will be associated with Stoke Road. Given the level of flows produced the Highway Authority accepts that the traffic impact would be small. Whilst there is some narrow points along White Street visibility is considered acceptable. The additional traffic from the development may mean occasional additional delay though it is unlikely that the impact could be considered sufficiently severe to object on traffic impact grounds.

The submitted Transport Statement states that the provision of a new public footpath link between the northwest corner of the site and Nine Acre Lane is also proposed. No indication is given to its suitability in darkness or poor conditions. Having viewed Nine Acre Lane, it is also noted that it provides car access to a few dwellings at the end of the lane. Whilst this would amount to very small number of daily vehicle trips, given the narrowness of the lane for passing and hindered visibility, it is the Highway Authority opinion that this may not encourage a modal shift away from car usage.

In terms of parking the applicant has proposed to provide car and cycle parking in line with Somerset County Council's parking standards. Given that this proposal is for outline consent this commitment is reasonable. Although the applicant should be aware of the requirements relating to motorcycle and electric charging points.

In pure traffic impact terms the level of movement is not considered to be significant enough to warrant an objection in these terms. However the Transport Statement has not identified weaknesses in the walking and cycling network. Although it is accepted that the applicant has attempted to make improvements to how pedestrians would access the site.

Estate Roads

The applicant should be aware that part of the internal layout will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act

1980 will therefore be subject to the Advance Payment Code. At the point where the proposal ties into the existing carriageway allowances shall be made to resurface the full width of Overlands where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. The proposed access will need to be constructed with 6.0m junction radii together with visibility splays based on dimensions of 2.4m x 43m in both directions. There shall be no obstruction to visibility greater than 300mm above adjoining carriageway level and the full extent of the splays will be adopted by Somerset County Council. Furthermore the gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Overlands.

The applicant should note that adoptable forward visibility splays based on lengths of 25m, will be required throughout the inside of all carriageway bends. There shall be no obstruction to visibility within these areas that exceeds a height greater than 600mm above adjoining carriageway level. The full extent of the splays will be adopted by Somerset County Council. At the western end of the proposed internal access road an adoptable suitably dimensioned turning head will need to be provided.

It is presumed that plots 13-17 will be served via a private drive. This being the case and to satisfy Advance Payments Code legislation, it will be necessary to construct the 'private drive' to an adoptable standard in terms of materials used and depths laid. In addition to satisfy Advance Payments Code legislation, the proposed footpath link that runs along the northern and eastern boundaries of plots 15-19 could be adopted by Somerset County Council. The footpath will need to be constructed as per typical Somerset County Council bitumen macadam standard and adequately lit and drained.

The widths of the entrances to the 'Car Park' should be a minimum of 4.1m, whilst all private drives serving garages shall be constructed to a minimum length of 6.0m. Tandem parking bays should be a minimum of 10.5m in length and any parking bays immediately in front of any form of structure, including planting, shall be a minimum of 5.5m in length. Finally no doors, gates, low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads.

The applicant will need to provide further information on the future maintenance liabilities of the attenuation pond together with the footpath link from the site to Nine Acre Lane. It should be noted that surface water from all private areas, including parking bays/drives, will not be permitted to discharge onto the prospective public highway. Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. It must not be presumed by the applicant that a right connection to an existing highway drain will be granted. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to Somerset County Council.

Finally the applicant will need to consult the Somerset County Council's Rights of Way Team to discuss the proposed footpath diversion further and to obtain the relevant orders.

### Flood Risk Assessment

The applicant should be advised at the earliest opportunity that Somerset County Council's highway design standards do not include permeable paving and therefore Somerset County Council will be unable to adopt the road. If the ground does prove to be conducive to infiltration, then the designer may wish to consider the use of traditional soakaways (designed to Somerset County Council requirements) to discharge run-off from the access road only as this may then, subject to all other highway design matters being suitably addressed, enable Somerset County Council to enter into an agreement to secure adoption of the access road.

#### Conclusion and Recommendation

The proposal is unlikely to have a significant traffic impact to warrant an objection on these grounds. However the applicant is urged to take account of the increase in vehicle movements on pedestrians and other road users. The estate road is broadly considered to be acceptable although the applicant is urged to take into account the points that have been raised in the Estate Road Team's audit.

Therefore based on the above information no objection is raised to this proposal and if the Local Planning Authority were minded to grant planning permission I would require the following conditions to be attached:

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and full implemented prior to works commencing, and thereafter maintained until the use of the site discontinues.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purposes, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of

attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drawing works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

- The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Also advises the following informative :-

- The applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Taunton Deane Area at the Highway Depot, Burton Place, Taunton, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

#### *LEISURE DEVELOPMENT -*

In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the future residents. The application makes no on-site provision and expresses a preference for an off-site contribution. In accordance with the NPFA standards for play provision to meet the needs of the development the play area (for which the contribution would provide) should not be further than 400 metres from the development. The existing parish play area and the shortest walking route to it (should a link be possible through Canterbury drive) would exceed this standard. On this basis the site should provide a Locally Equipped Area for Play (LEAP) of at least 400 sq. m.

A contribution of at least £1,571.00 per dwelling for active recreation and £1,208.00 per dwelling towards local community hall facilities would be required.

A public art contribution should be requested, either by commissioning and integrating public art into the design of the buildings/public realm, or by a commuted sum to the value of 1% of development costs.

The provision of land for allotments is welcomed.

#### *HOUSING ENABLING -*

Makes the following observations - 25% of the new housing should be affordable with a tenure split of 60% social rented 40% shared ownership. The mix has been discussed with the applicant and should be - social rented (2 x 1b2p maisonettes with own entrance and separate bathroom plus 1 x 2b4p house), shared ownership (1 x 2b4p house plus 1 x 3b5p house). The affordable housing scheme must meet the Homes and Communities Agency Design and Quality Standards 2007, including

at least Code for Sustainable Homes Level 3 (or any subsequent standard at the commencement of development). The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list, and it is recommended that a local connection clause be included to prioritise the homes for local people. The Scheme must be submitted to and approved in writing by the Housing Enabling Lead at the Council.

*HERITAGE (Conservation Officer) -*

The proposed new houses are some way off from the listed complex at Manor Farm and the Conservation Area, compared with the previous application (24/13/0032). Given that the ground here is relatively flat, this increase in distance decreases any impact on the setting of these heritage assets. I consider that any harm to the significance of these heritage assets would be negligible and certainly not sufficient to warrant refusal of this application on these grounds.

*ENGLISH HERITAGE -*

The heritage significance of Manor Farmhouse lies in its age, its unusual plan form, the architectural detailing of the building, its location at the periphery of North Curry and its historic role as an agricultural entity at the edge of the village. The open character of the land surrounding the farm defines its relationship with the historic agricultural land holdings, thus forming its wider setting. It is acknowledged that this land is no longer in the ownership of Manor Farm, however its open character preserves an understanding of the farms original outlying location and the historical association it once had with the wider landscape.

A proposal in this position will have a considerable impact on the setting of Manor Farm which is a grade II\* listed building and a number of other farm buildings including a grade II listed hay barn. E.H. has concerns regarding the negative impact that the scheme will have on the strong visual historical and contextual relationship between Manor Farm and the surrounding open landscape to the west. This scheme will extend the settlement outside the existing boundaries of North Curry in a way that creates a 'green pocket' that will be difficult to safeguard in the future. It therefore fails to protect the setting of Manor farm going forward.

E.H. feel that the current proposal is an improvement on the previous scheme, however they still feel that the siting of further residential units at the southern end of the site would encroach on the setting of Manor Farm, having a negative impact on the Listed Building and Conservation Area. It is therefore maintained that the proposal does not fulfill the requirements laid out in the NPPF and the Planning (Listed Building and Conservation Areas) Act 1990, both of which give considerable weight to the protection and enhancement of heritage assets. Also, the scheme fails to preserve the setting of Manor Farm for the future due to the potential for future residential infill development on the open space. E.H. ask that if the Council is minded to approve the proposal then appropriate action is taken to safeguard against such infill, to include altering the proposed road layout through the open space in order to minimise any assumption towards accessing further houses off this road.

E.H. also has concerns about the premature nature of this current proposal which fails to comply with the methodology set out in the 'Sites Allocations and Development Management Plan'. This extension to the village boundaries outside of the agreed settlement boundary would have a negative impact on the setting of

this heritage asset and the conservation area.

*ENVIRONMENT AGENCY -*

Observations awaited

*SCC - FLOOD RISK MANAGER -*

Observations awaited

*DRAINAGE ENGINEER -*

Observations awaited

*WESSEX WATER -*

Foul Water - There will be capacity in the existing public foul sewer in Stoke Road to accommodate the flows from the proposed development. About 100 metres of off site sewer would be required along Canterbury Drive to connect into the sewer in Stoke Road. The site has a reasonable gradient (from south to north) towards Canterbury Drive so a gravity connection should be achievable.

Surface water - There is a public sewer available for connection in Stoke Road, but its capacity will need to be confirmed if connection is required. On-site attenuation and flow control will be required. However a SUDS solution should be explored

*SOMERSET DRAINAGE BOARDS CONSORTIUM -*

The site lies outside the board's operating area however any surface water run-off generated will clearly enter the Board's district and discharge to the Moor area of West Sedgemoor and ultimately onto the River Parrett. The Board would hope to receive satisfactory details and assurances regarding the restriction of flow, volume and long term maintenance regime of the infrastructure proposed. The Environment Agency will also need to agree the design principles of the surface water strategy and if appropriate consent any modification.

The proposals to be agreed will need to strictly limit any proposed discharge to the receiving system and at least mimic the existing 'greenfield run-off' from the land, with an emphasis on betterment and any variation or modification will need to be agreed. Particular attention should be paid to the control of the volume of the discharge from the proposed site as well as flow rates.

Within the FRA produced to support the application there are a number of likely surface water disposal measures proposed. Any surface water strategy is not complete until the maintenance liabilities of the various parts of the proposed surface water strategy including any storage facilities are clearly identified. Details of the design and the liability of the surface water drainage infrastructure will need to be included within the plan. Maintenance of storage volumes should be maintained to the highest standard to ensure uncontrolled discharges are not experienced.

The Board would suggest and encourage the use of Sustainable Urban Drainage Systems (SUDS) within the surface water disposal design strategy, with emphasis on the use of infiltration techniques to reduce the impact on the downstream receiving systems. The agent handling the FRA has suggested this plus the use of

water harvesting and permeable paving within the proposals.

The proposals to be agreed will need to strictly limit any proposed discharge to the receiving system. Good sustainable design is about utilising all methods of SUDS design and the Board hopes that the proposals will consider all good practice.

#### *NATURAL ENGLAND -*

The advice provided in the response to the previous application equally applies here. The proposed changes relate largely to size and are unlikely to have any significantly different impacts on the natural environment.

Previous comments stated that the proposal would not affect North Curry Meadow SSSI, and be unlikely to affect any European protected species. The Developer would however need to use the 'Protected Species Standing advice'. Also recommends the applicant considers opportunities for enhancing biodiversity and enhancing the character and local distinctiveness of the surrounding natural environment.

#### *CAMPAIGN to PROTECT RURAL ENGLAND [CPRE - SOMERSET GROUP] -*

Object on the grounds of national and local planning policies on sustainability. Government figures released in April now shows that Taunton Deane needs less housing than originally anticipated. In this light, CPRE considers that the Borough should reconsider its allocations for market housing in the Minor Rural Centres. There is no identified need for market housing in North Curry. The site is outside of the settlement boundaries. The village has limited public transport services and employment opportunities. North Curry is an unsustainable location for market housing. The application should be refused for the same reasons as given with the previous application. Property developers will pass on the cost of providing affordable housing to the market housing prices and this pushes up their value making the properties even further out of reach for local people.

#### *BIODIVERSITY -*

The site consists of improved grassland surrounded by species poor hedgerows.

Protected sites - North Curry Meadow SSSI is located 0.5km to the east, Curry and Hay Moors SSSI is located 1 km to the north and West Sedgemoor SSSI is located 1km to the south east

Badgers - Badger runs have been noted previously and a badger dung pit, which indicate use of the site by badgers. However, no active badger setts are known to have been found on site although there is an old sett along the west hedgerow, occupied by foxes. This sett should be monitored. Provided that badgers do not move back to the sett it can be closed without a licence. In the absence of badgers a precautionary approach involving the installation of one way gates and regular monitoring visits are needed until an ecologist is certain that the foxes have left. If badgers move back to the sett, it can only be closed between July and November with a licence.

Bats - There are no trees on site suitable for roosting bats; however commuting and foraging bats are likely to use the grassland and hedgerows. Any lighting should be sensitively designed.

Dormice - Hedgerows on site are not characteristic of dormice habitat and there is a lack of connectivity to the wider countryside.

Amphibians - There are no ponds on site and the land was intensively farmed

offering little potential for Greater Crested Newts. However, land immediately to the west (pasture beneath a redundant orchard) as well as the hedgerows on site may provide suitable terrestrial habitat for amphibians

Reptiles - The hedgerows and field margins have potential to support slow worms

Birds - Hedgerows on site provide potential for nesting and foraging birds. The field habitats are probably unsuitable for ground nesting birds. Any vegetation clearance should take place outside of the bird nesting season

I suggest a planning condition for protected species:

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST -*

Observations awaited, but commented on the previous proposal that there were no records of any archaeological activity on site as it lies outside of the medieval core of the village and there was no evidence of prehistoric or Roman activity nearby. Therefore, it appeared that there were no archaeological issues on this site.

*DIVERSIONS ORDER OFFICER - Mr Edwards -*

Public footpaths T17/11 and T17/12 are affected by the proposals. These are in the south of the site. Other issues are raised by any proposed use of Nine Acre Lane. It is currently privately owned and Somerset County Council would have to oversee the legislation involved with creating a public footpath at this point

*SCC - RIGHTS OF WAY -*

Footpaths T17/11 and T17/12 are public rights of way (PROW) recorded on the Definitive Map which cross the area of the proposed development. The County Council do not object to the proposal subject to the developer being informed that the grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. If the route is to be diverted, this will be done by Taunton Deane District Council.

It has also been noted that there is a proposed footpath link to 'Nine Acre Lane'. The Rights of Way Dept. at Somerset County Council will need to be contacted regarding any creation of a footpath.

In addition, if it is considered that the development would make the PROW less convenient for continued public use, or create a hazard to users of a PROW then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

*ECONOMIC DEVELOPMENT -*

Observations awaited.

*SCC - CHIEF EDUCATION OFFICER -*

Observations awaited.



## Representations

Members of the public who have written in **OBJECTING** to the proposal have expressed the following views:-

### Flooding issues

- I do not feel that this amended scheme adequately addresses the flooding issues which were so serious last winter. This development would only make things worse.
- Even if the scheme itself won't flood, run off may exacerbate flooding elsewhere in the village.
- There is doubt as to whether the existing sewers could take the extra load.
- The public footpath from Manor Lane diagonally across the site to Overlands is useful, used and should be preserved.
- Any increase in drainage will make flooding likely.
- An open attenuation pond will attract vermin and need continuous maintenance (which is unlikely to be done).
- The attenuation pond should be sited in an underground chamber.
- Surface and foul drainage must be pumped via modern drainage through Overlands.
- Sort out North Curry's flooding issues before you allow any new build.
- Developing on this site would reduce the land's ability to absorb water causing flooding misery for residents.
- Over the last 30 years, 70 houses have been added to this area of the village, plus a further 70 at the western end, all of which have been connected to a drainage system designed for a small agricultural community in the 1800's.

### Highways and transportation issues

- Overlands and White Street are not adequate for the increased levels of traffic likely to be experienced from such a large development.
- There is no safe pedestrian route to the village centre.
- The Transport Statement and Travel Plan require amending as it still refers to 30 homes.
- Another likely 40 cars using the access to Overlands will place significant pressure on the White Street Overlands roadways, also creating additional traffic noise.
- An alternative access onto Stoke Road should be investigated in order to spread the traffic flow around the village.
- There are no jobs in North Curry so everyone going to and from work from the new development would add extra pressure on currently dangerous roads.
- Some highway works may have to be carried out in White Street to control the vehicle speeds e.g. traffic calming measures.
- Will lead to a marked increase in traffic using Stoke Road.
- The extra use of White Street will cause problems for emergency vehicles.
- An increase in journeys, with bends in roads, poor visibility and no footpaths in places, would make an accident more likely.
- There is no guarantee access can be obtained either through Nine Acre Lane or Canterbury Drive which means that all access would have to be via White Street.
- Pedestrian access via Stoke Road to the village is not safe. Parents would not allow children to walk to school and so they would be taken by car.
- The increase in rush hour traffic through an already congested village centre is not acceptable.
- No indication is given as to whether a footpath access along Nine Acre lane has

yet been negotiated.

- The footpath link to Nine Acre Lane must be tarmacked to cater for the elderly, pushchairs, wheel chairs and cyclists. Gravel will not be acceptable.
- The new path to be created and that on Nine Acre Lane will need to be lit at dark.
- The Transport Statement does not address the concerns of the highway Authority.

#### Visual and amenity issues

- The site is used by many walkers (along the PRow) and a large housing development would lead to a loss of space, freedom and visual appeal.
- The historic Manor Farm (the oldest farm in the village) would be completely surrounded by modern housing.
- Manor Farm should be left in an agricultural setting as per its listed status.
- A development of this size would radically alter the character of the village.
- It is impossible to impose a modern suburban development on a medieval landscape.

#### Planning policy issues

- The community response as part of the parish Plan process clearly indicated a preference for several small scale developments over a number of years. This would allow for easier integration of new families and for organic growth of vital village services to support them.
- The proposal pre-empts the work to be done by the Borough Council.
- The grant of permission now would prevent a proper examination of the preferred options document at the required public enquiry.

#### Capacity issues

- The scale of this size development is not warranted in our village.
- The proposed development would be of a very different scale to the surrounding developments of Overlands and Long Fields. The individual plots are very small and do not provide adequate green spaces or parking.
- We wish to keep our village as a village and not a suburban overflow.
- Can the site reasonably take 20 houses?
- The site shows tiny plots leading to cramped development.

#### General and other issues

- Not sure there is a great demand for affordable houses as those in White Street have now been sold and the social housing in Barton Way has not been allocated to anyone local for years – they come from Chard, Highbridge etc.
- I can see nothing in this new application that would cause a different decision to be made.
- Appears to be a good balanced development with open spaces, allotments and mixture of dwellings.
- Will monies be available to expand the school and surgery?
- The proposed development serves government directions for more housing countrywide rather than being a reflection of local priorities and aspirations.
- Traffic would exit White Street joining Stoke Road at a dangerous corner.
- The narrow roads without pavements around North Curry are not suited to even more traffic.
- The concerns previously raised by residents have not been addressed in the current application.

- The village has consistently expressed a preference for much smaller, phased developments.
- The reduction in houses to 20 will make little difference to the flooding issues, lack of school capacity lack of pavements, and increased traffic in the village.
- The application should be refused on the grounds of prematurity until proper public consultation has been carried out.
- 3 allotments is hardly a viable site and no more than a token gesture.
- Who will have ownership of and maintenance responsibility for the land designated as open space and the attenuation pond?
- What would stop a phase 2 of housing at the end of the access road?
- The plan led preferences have not advanced sufficiently to discount the previous reason for refusal.
- This is not a better scheme.
- The draft site allocation preferences have not been debated and tested locally.
- Dumping great big suburban developments in the middle of little villages is not the way to go.
- There is insufficient detail to support a s106 agreement to allow a proper analysis to be made of what would be provided as part of any permission.
- With reference to the open space and attenuation pond, the applicant should be required to transfer ownership of the land to the Parish or Borough Councils with a substantial commuted sum for future maintenance purposes.

There was one letter which was generally in **SUPPORT** and it made the following point:-

- I am delighted that the proposal works within village boundaries, avoiding sprawl onto agricultural land.

## **PLANNING POLICIES**

EN23 - TDBCLP - Areas of High Archaeological Potential,  
 ROW - Rights of Way,  
 EN14 - TDBCLP - Conservation Areas,  
 EN12 - TDBCLP - Landscape Character Areas,  
 S5 - TDBCLP - North Curry Settlement Limits (HISTORIC),  
 EN15 - TDBCLP - Demolition Affecting Conservation (HISTORIC),  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP7 - TD CORE STRATEGY - INFRASTRUCTURE,  
 CP8 - CP 8 ENVIRONMENT,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
 SD1 - SD 1 TDBC Persumption in Favour of Sustain. Dev,  
 DM2 - TD CORE STRATEGY - DEV,

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 22,981
Somerset County Council (Upper Tier Authority)	£ 5,745

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£137,888
Somerset County Council (Upper Tier Authority)	£ 34,472

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Policy considerations - Local Plan Policy

Planning Policy and Government Guidance requires all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The applicants refer to paragraph 14 of the NPPF claiming that, as the development plan is silent on the allocation of sites at North Curry permission should be granted for the development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework.

The Taunton Deane Core Strategy contains policies for the development of the Borough. The policies are listed above. Within the document major sites for housing development have been identified in detail. Reference has been made for the need to allocate additional small scale housing within minor rural centres, such as North Curry, via a Small Sites Allocation Plan

The adopted Core Strategy policy SP1 states.....

*“Minor Rural Centres are identified as Cotford St Luke, Creech St Michael, Milverton, **North Curry** and Churchinford. New housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units and will be **small scale allocations, sites within the development boundary (primarily on previously developed land) and sites fulfilling affordable housing exceptions criteria outside of development boundaries.** For these settlements a total allocation of at least 250 new net additional dwellings will be made through the Site Allocations and Development Management DPD”*

The Small Sites Allocation Plan is currently being produced and potential sites have been identified. These have now been evaluated and been the subject of public consultation. The LPA has now published its preferred options plan and this is currently out for further consultation. This included a public consultation exercise in North Curry on 20<sup>th</sup> November.

Considering the above, the development plan is not silent about the future development in minor centres although it is still technically silent with regard to the allocations for the location of development. The preferred options plan would have little weight until it becomes either a draft document or until it is submitted for examination. Therefore Paragraph 14 of the NPPF is relevant and this advises that:

*“where the development plan is absent, silent or relevant policies are out of date,*

*decision takers should grant permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- specific policies in this Framework indicate development should be restricted.”*

The benefits of providing housing in the minor rural centres is clear and it is necessary to consider whether the adverse impacts of granting permission at this time significantly and demonstrably outweigh these benefits. Whilst the Overlands site has now been identified in the SADMP Preferred Options, Officer's previous concerns about prematurity remain. The outcome of the Preferred Options consultation is currently unknown and it is likely that the promoters of alternative sites would still wish to see their sites considered fully through the development plan process. Should planning consent be granted this would prejudice the final outcome of the SADMP which is still to be examined by an independent planning inspector. It may also increase the risk of further, un-planned development being consented within the Village counter to the emerging SADMP. For these reasons, and irrespective of whether Overlands is the 'best' site for the Village, it is clear that the potential adverse impacts of granting planning permission at this time will outweigh any benefits that may arise from a planning consent. The proposal is therefore considered unacceptable on the grounds of prematurity. The issue of prematurity is key to the determination of this application and officers are satisfied that the benefits of granting planning permission do not significantly and demonstrably outweigh the issue of prematurity in this case.

The application site is beyond settlement limits and its development for housing would consequently be contrary to policies CP8, SP1 and DM2 of the adopted Core Strategy. The site is proposed for allocation within the Council's emerging Site Allocations and Development Management Plan (SADMP) which has recently been published for public consultation. The proposal accords with that proposed allocation although it should be noted that since the Plan has not yet reached its 'Draft' stage, the Council has not as of yet formally identified development requirements for an allocation on this site. As a result it is considered that the site lies beyond the currently approved settlement limits of North Curry and its development would be contrary to policies SP1, DM1(d), DM2 and CP8 of the Taunton Deane Core Strategy.

#### Flood risk and drainage.

Many of the representations express great concern on this issue. An initial consultation response has been received from the Environment Agency and they raise objection on the basis that the risks of increased flooding to and from the site have not been adequately assessed or addressed. This would not meet the requirements of the National Planning Policy Framework, nor would it meet the requirements of policy CP8 of the Adopted Core Strategy. This is much in line with the consultation comments received from the Somerset Drainage Board Consortium. The sticking point is with the degree of off-site works that would be required to overcome this objection and how this could be incorporated into any decision to approve the development. This is an important issue given the degree of flooding that occurred last winter, and it is recommended that approval should not be granted until this issue has been resolved.

### Impact on heritage assets (Listed Building & Conservation Area).

The County Senior Historic Environment Officer has already stated (previous application) that there are no records of any archaeological activity on the site, nor prehistoric or Roman activity nearby. On this basis he is not objecting and there will be no need to place a 'watching brief' as a condition of any approval.

The proposal site is immediately adjacent to the grade II\* listed Manor Farm. The barns and cartshed some 10 metres west of Manor Farm are listed as grade II in their own right. There are other listed buildings nearby. The site also adjoins the North Curry Conservation Area. These factors mean that the site is sensitive in heritage terms and the proposal could clearly have the capacity to adversely impact upon the neighbouring heritage assets.

The North Curry Conservation Area Appraisal Document (adopted and published in September 2007) identifies the adjacent conservation area as being within 'character zone 2', where "*a high proportion of buildings are of considerable size and massing, but well balanced by open space*". Building density tends to be low in zone 2. The document also identifies that one of the principal negative features upon the character and appearance of the Conservation Area is "*the development of modern houses around its fringes*". The document states that this has undermined the historic character and appearance of North Curry. It goes on to state that "*the volume of such housing (built as small estates as opposed to being individual pieces of infill) does mean that it has very perceptible impact upon the scene*". Any consideration of this current proposal will need to be mindful of such a negative outcome and ensure that it did not replicate the negativities of past development.

The starting point for such a consideration is always to review the submitted 'Statement of Historic Significance'. The submitted document concludes that the proposal would sit comfortably adjacent to and adjoining the conservation area and would not be detrimental to its setting. It also concludes that the proposal would have little if any impact upon the significance (including setting) of Manor Farm house. The Heritage Impact Statement acknowledges that there would be some impact upon the other listed buildings given their proximity to the development, it states that they are far less significant than the Manor Farm house itself and so the impact upon their setting is considered to be acceptable causing little harm. Based on this, and the fact that there was no objection on heritage grounds with the previous application, the Council's Conservation Officer is not now raising any objection to the proposal.

However, English Heritage have a differing view and have concluded that the proposal should be refused. E.H. state that the siting of further residential units at the southern end of the site would encroach on the setting of Manor Farm, having a negative impact on the Listed Building and Conservation Area. They maintain that the proposal does not fulfill the requirements laid out in the NPPF and the Planning (Listed Building and Conservation Areas) Act 1990, both of which give considerable weight to the protection and enhancement of heritage assets. They conclude that the scheme fails to preserve the setting of Manor Farm for the future due to the potential for future residential infill development on the open space.

### Affordable Housing.

Under Core Strategy policy CP4 there is a requirement for 25% affordable housing on site which the applicant has shown. This equates to 5 dwellings which can be secured through a legal agreement with a local connection clause to ensure priority is given to local people in housing need. Further details are given above in the section giving the observations of the Housing Enabling Lead.

#### Public Rights of way (PRoW).

There are a couple of Public Rights of Way that affect this site. The primary route which is part of the East Deane Way, skirts the eastern boundary of the site. There is also a PRoW that traverses the middle of the bottom half of the site. The existence of these PRoW's is a valid and material consideration. The Agent has indicated that the applicant would seek a diversion order to realign the two PRoW's rather than seek a stopping up order, and has provided details of the proposed realignment in both cases. A suitably worded condition placed against an approval to ensure that no development took place unless a diversion order was granted would be sufficient to meet the requirements of statutory regulations in this regard.

The Application also shows a link through to Nine Acre Lane. Nine Acre Lane is not a Public Right of Way, although it is believed that local people do use this route. Ownership of the lane or the constituent parts of the lane cannot be traced, and so the applicant has not been able to negotiate legal right to use it in connection with his proposal. It is also understood that the County, as the responsible authority for Public Rights of Way, would not fund the provision or maintenance of a new P.R.o.W. anyway. Given all this, it is recommended that the Committee does not take the existence of Nine Acre Lane into account in determining this proposal, as the only guaranteed public access to the village facilities would be via Overlands, White Street and Stoke Road.

#### Highways and access issues.

Many concerns have been expressed about the proposal in relation to access, and the local road network. The general gist of the concerns relate to the chosen point of access into the site and its perceived inadequacy due to poor highway widths along Overlands and White Street often as a result of parking on the road, together with areas of missing pavement along White Street and a lack of street lighting. The views of the Highway Authority are key and they have concluded that the proposal is unlikely to have a significant traffic impact to warrant an objection on these grounds. This is consistent with their comments on the previous application. The full views of the Highway Authority is given above, but to summarise, it is their view that the proposal is acceptable on technical highways grounds. Since the revocation of the Structure Plan, the County has no policy hooks to deal with issues of transport sustainability, and so this issue is deferred to the Borough for consideration under its adopted Core Strategy. As such, it is noted that the applicant has suggested a link along Nine Acre Lane. This could only be a footpath link due to its width, surfacing and lack of lighting, however, it would dramatically improve accessibility from the proposed site to the village facilities. However, it is a fact that the applicant does not own or control Nine Acre Lane, and it is not clear who does. The link would need some considerable improvement before it could be used as a Public Right of Way and would take some considerable sums of money to maintain it in a fit and proper state. It is unlikely that the County would want to take on such a financial burden, but they would in any event be unable to do so unless legal ownership could be

established. Therefore, the application does not demonstrate that there would be a legal and achievable link from the proposed development through Nine Acre Lane (or Canterbury Drive) and in the absence of this, the site remains remote from the village facilities. The only guaranteed route would be through Overlands which would be long, quite tortuous and involving missing footpaths, which is far from ideal for taking kids to school or getting the elderly to the doctors, so would inevitably involve more car trips which is contrary to the whole ethos of village life. The proposal would therefore increase the likelihood of car usage, making the site unsustainable, and therefore contrary to the National Planning Policy Framework and objective 1 and 6 and policies SD1, CP6, CP8, SP1 and SP4 of the Taunton Deane Adopted Core Strategy”.

#### Wildlife and biodiversity issues.

It would appear, based on the evidence submitted, that there are no insurmountable concerns with either wildlife or biodiversity issues. Neither Natural England, nor the Council's Biodiversity officer are raising any substantive objection. That said, there is general agreement that there will need to be a 'watching brief' particularly in respect of possible (or otherwise) badger activity from the identified badger runs, dung pit and old setts. Care will need to be taken in respect of lighting at the site and a lighting strategy will probably be required in order to prevent light pollution or spill that could interfere with commuting or foraging bats. Officers are of the opinion that all of these matters could be dealt with by way of carefully worded conditions, and some have been suggested in the ecological survey. However, if any further research required by this survey does show that the proposal would adversely impact upon any wildlife or protected species, then this could seriously impact upon the applicant's ability to implement the scheme (if permission were to be granted), or at the least may involve major expense and time in mitigation.

#### 'Heads of Terms' for items to be covered under a Planning Obligation.

The Council has not as yet adopted its Charging Schedule under the Community Infrastructure Levy Regulations. The draft charging schedule has now been examined in public (Wednesday 24<sup>th</sup> July), and the Examiner's report has concluded that the charging schedule can be adopted. This however is not likely to become policy until 1<sup>st</sup> April 2014 and until that time, the Council will continue to ask for a contribution towards the cost of all on-site and off-site facilities that might be required in order to make the development acceptable. Such matters would need to be guaranteed by way of a Planning Obligation under s106 of the Town and Country Planning Act. This will necessitate a legal agreement in order to guarantee the items required. Such an agreement will need to be entered into before any planning permission could be issued. No such agreement is currently on the table for discussion.

The following matters would need to be addressed in the legal agreement:-

Affordable Housing – The application suggests that 5 of the 20 proposed units should be affordable. This is in line with current Council policy CP4 of the Core Strategy. However, the legal agreement will need to confirm where these units should be positioned, and the exact form of tenure, all of which is detailed above in the comments made by the Council's Housing Enabling Officer. The applicant has accepted this



Leisure and Recreation – This is charged on all developments of 6 houses or more, and so is applicable in this instance. The Community Leisure officer has pointed out that the walking distance to the existing play facility for the village adjacent to the school would be in excess of the required maximum walking distance for the under 8's. Therefore the recommendation is that a Locally Equipped Area for Play (LEAP) for the under 8's of at least 400 sq. m. is provided on site, or the land allocated and money provided for the Council to provide such a facility. The Community Leisure Officer has also asked for a contribution of £1,574 per dwelling towards the provision of active outdoor recreation, and £1,208 per dwelling towards local community hall facilities. These figures would need to be index linked and spent in locations accessible to the occupants of the dwellings. A public art contribution is also requested, either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to value 1% of the development costs.

Education – A common theme in the representations received is the fact that the existing village school is at capacity and would need to be expanded to cater for any increase in dwellings within the village. The Education Authority did not agree with this on the previous application. Then it was suggested that the additional 30 houses proposed would generate extra demand for places that could be accommodated at the village school. So, whilst the Education Authority's observations are still awaited in respect of the current proposal, as this is for less dwellings there is not expected to be an 'in principle' objection. However, whilst no contribution would be due for pre or primary school education, a contribution would be required for secondary education, as the nearest nominated school in Taunton is at capacity.

Highways and Transportation – The observations of the Highway Authority are still awaited. Nevertheless, in addition to their standard technical comments, it is expected that they would cost any additional transportation infrastructure, traffic calming measures, footpath improvement schemes within the village, sustainable transportation measures and items within the agreed green travel plan that they may consider necessary to make the scheme acceptable. Early discussions with the Highway Authority indicate that there is unlikely to be much 'off-site' works required if at all.

Additional matters – It is considered that any legal agreement would also need to include measures for the provision and maintenance of the public open space and allotments that are being proposed. It may also be prudent to refer to the need for a footpath diversion within any legal agreement. This is all agreed by the Applicant.

### Conclusion.

The Parish Council consider that the proposal would be still premature within the 'Sites Allocation' process of the Local Plan.

The Highway Authority's final observations are awaited, but they did not have any over-riding 'in principle' objection to the previous proposal for more dwelling units.

It is commonly agreed by the relevant experts that biodiversity issues could be

overcome and dealt with by way of appropriately worded conditions, although a 'watching brief' would need to ensure that the identified badger setts remained inactive.

There is still an objection from the Environment Agency, although the developer is working to overcome this. Wessex Water have agreed that the proposal could meet their requirements subject to some on and off site works. A full drainage strategy would need to be submitted and approved before any development commenced (via an appropriately worded condition).

A diversion order would be needed to deal with the new line proposed for part of the Public Rights of Way.

The Education Department at the County have stated that the existing village school would be likely to have capacity for the number of children of primary school age that this proposal would generate. Other ages would need to be the subject of contributions to improve facilities under a Legal agreement.

Community leisure are not objecting, but suggest the provision of an unsupervised play area equipped for children of early school age and would require contributions as part of any Planning Obligation.

Housing Enabling, have suggested the tenure type for affordable housing requirements should the application be approved.

English Heritage are still of the opinion that the proposal would cause harm to the Grade II\* listed Manor Farmhouse and its setting and are consequently recommending refusal. The development would in their opinion alter the open agricultural character of the land surrounding Manor Farm and further envelop the site, which will impact on the visual, historic and contextual relationship between the farm and the wider setting. They are also concerned about the potential to develop further on the open area shown which would further and more seriously impact upon the listed buildings. They also cite policy reasons for refusal.

Most significantly, the application is considered to be prejudicial to the legal framework and progress of the Local Plan process. The Planning Policy Team has profound concerns about the timing of this application ahead of the formal adoption of the Site Allocations Plan. The clear preferred route for consideration of the relative benefits or otherwise of this site is through the SADMPP process. On this basis, a decision to refuse the proposal on the grounds of 'prematurity' is considered to be appropriate. It is concluded that the Council should decide the application in line with the Core Strategy and the 'genuinely plan led' process as espoused in paragraph 17 of the NPPF and recommend refusal. The LPA is clear that the adverse impacts of allowing this development significantly and demonstrably outweigh the benefits.

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

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



25/13/0028

MR & MRS J BAILEY

**ERECTION OF SINGLE STOREY REAR EXTENSION AT SHIPPON BARN,  
NORTON FITZWARREN (AMENDED SCHEME TO 25/13/0016)**

Location: SHIPPON BARN, MONTYS LANE, NORTON FITZWARREN,  
TAUNTON, TA4 1AA

Grid Reference: 318024.126699

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 01 Elevations & Block Plan

(A3) DrNo 02 Floor Plans

(A4) Location Plan

(A4) Existing Side Elevations

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

3. The first floor Juliet balcony railing shall hereafter be retained as such.

Reason: To prevent access onto the flat roof section which would cause unacceptable overlooking to the neighbouring properties.

**Notes to Applicant**

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

## **PROPOSAL**

Permission is sought for the erection of a single storey extension with a projection of 4.4m to the rear.

## **SITE DESCRIPTION AND HISTORY**

This is the site of a barn conversion of stone and tile construction and timber windows. This dwelling is in a group of barn conversions of various styles and sizes which are accessed by a long drive off Montys Lane. There is plenty of off road parking and turning space with a single garage in a garage block and the dwellings back onto Montys Lane and the countryside beyond.

The barn is a mid-terraced dwelling in the middle of a longer large barn converted into three storey dwellings. There is a single large opening on the rear that extends over three floors with an existing first floor Juliet balcony.

A previous application for a single storey extension with a projection of 4.4m to a height of 4.6m and with a central balcony was withdrawn.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*NORTON FITZWARREN PARISH COUNCIL* - Object totally overshadows the two adjacent properties out of character with building and flooding issues.

### **Representations**

FIVE letters of OBJECTION raising the following issues:

- concerns over drainage,
- it will undermine the character and appearance of the rural setting, disproportionate in size, impact on services.
- it does not retain the original appearance of the buildings and visual amenities of the area.
- Private covenants prevent access for construction vehicles over the common courtyard - a new access will need to be formed at the rear and this should be shown on the plans, together with a replanting scheme.

## **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
H17 - TDBCLP - Extensions to Dwellings,

## **LOCAL FINANCE CONSIDERATIONS**

N/a

## **DETERMINING ISSUES AND CONSIDERATIONS**

This application seeks full planning permission for a single storey extension to the rear. The main issues are considered to be design and impact on the neighbouring dwellings.

The building is a converted barn of an imposing scale. It has a functional character with limited openings in the rear elevation. In the centre, is a full height opening, which has been glazed entirely across all three floors: a Juliet balcony has been added to the first floor opening.

The proposal introduces a single storey extension which cuts across this opening, albeit that the large area of glazing has been incorporated into the extension. This is not ideal as the character of former opening spanning all three floors is undermined. However, the mono-pitched lean to roof would not cut across the opening and, therefore, it is considered that, on balance, the character of the building is not undermined to such a degree that would warrant the refusal of planning permission.

In terms of the impact on neighbouring residents, the proposal will introduce a projecting element close to/on the boundary of the neighbouring property.

The boundary to the north is marked by a 1.8m solid wooden fence for four to five panels from the wall of the dwelling each side and then an open wire fence after that which lends openness to the gardens. The proposed lean-to extension would extend to a height of between 2.6 and 3.8m. To the North the neighbour's windows would be approximately 4m away from the proposed extension. Given the existing fence, the additional height is considered to be acceptable.

To the south the proposed extension is set off from the boundary by half a metre although the neighbours windows abut the boundary. The direction of the sun would be such as not to produce and overshadowing on the neighbour to the south and the distance between the window and the proposed extension will minimise any overshadowing to the neighbour to the north. Any overshadowing to the garden would be limited to the morning.

In terms of impact to the neighbours, the proposed extension is only single storey and therefore the potential impact is not considered to be so significant as to warrant refusal.

This is the resubmission of planning application 25/13/0016 which was withdrawn following concerns regarding overlooking from the balcony. The balcony has now been removed from the proposal and it is therefore considered to be acceptable. Some issues regarding the design have also been addressed.

The private management company for the hamlet has commented that construction traffic will have to access the site from the rear. However, this is a civil matter that does not impact on the considerations of the application. If a new access is required, this may need planning permission and the impact of it would be considered at that time.

With regard to the above, the proposal is considered to be acceptable. It is

therefore recommended that planning permission is granted.

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

**CONTACT OFFICER: Mrs P Hogg Tel: 01823 356371**

27/13/0017

MR T HOLLEY

**CHANGE OF USE OF AGRICULTURAL LAND WITH ERECTION OF BUILDINGS TO FORM BOARDING KENNELS AND ISOLATION UNIT, WITH REPLACEMENT ACCESS AND DRIVEWAY AT FIVEOAK BOARDING, HILLFARRANCE, OAKE**

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

Grid Reference: 317396.124704

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) Location Plan

(A3) Site Plan

(A3) DrNo 01 Floor Plan and Elevations received 22 November 2013

(A4) Proposed Elevations

(A3) Existing and Proposed Access

(A3) Existing Entrance, Proposed Planting & Stopping Up

(A4) Visibility Splay

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

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



Planning Authority.

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

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

4. Prior to the commencement of the erection of any part of the buildings hereby permitted, details of the specifications of the accoustic materials to be used in the construction of the buildings hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not result in significant harm to the residential amenities of the occupiers of nearby premises, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. The buildings hereby permitted shall not be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy CP1(C) of the Taunton Deane Core Strategy.

6. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

7. The existing access shall be stopped up and its use permanently abandoned within one month of the new access hereby permitted being first brought into use.

Reason: In the interests of highway safety.

8. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5.0metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway, in the interests of highway safety.

9. Prior to commencement of the development hereby permitted, the proposed access over at least the first 10 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

10. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

#### 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.
2. Note at request of Wessex Water
  - New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from [www.wessexwater.co.uk/developerservices](http://www.wessexwater.co.uk/developerservices)
3. Note at the request of County Highways Authority:
  - Having regard to the powers of the Highway Authority under the Highways

Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Taunton Deane Area at The Highways Depot, Burton Place, Taunton, Tel No 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

## **PROPOSAL**

Higher Knapp Farm is located in a rural location, approximately 0.75 km to the east of Hillfarrance and approximately the same distance from Allerford. The site is largely surrounded by agricultural fields, with a residential property opposite and a scattering of further dwellings to the north-east. The site comprises agricultural buildings, along with a traditional barn, which has been converted to a dwelling. Planning permission was granted in 2011 for the change of use of an element of land to a boarding cattery with the erection of further linear buildings to provide the cattery pens and associated facilities to the south-west of the main buildings. This planning permission has since been implemented and the cattery is in operation from the site.

A planning application was submitted last year for the change of use of agricultural land and erection of buildings to form a boarding kennels and isolation unit, along with the temporary permission for a mobile home to provide manager's accommodation for the boarding cattery, which was withdrawn following the request for a noise assessment. A similar application was subsequently submitted earlier this year with the mobile home removed from the scheme, but without a noise assessment and this was again withdrawn.

This application now again seeks planning permission for the change of use of agricultural land with the erection of buildings to form a boarding kennels and isolation unit. This would be proposed to the north-west of the existing buildings. The main building would be 26 metres in length and 4.5 metres in width, with a 3.5 metre run along the full length of the rear. This would provide a single run of kennels, rather than kennels either side of a central corridor where dogs can see each other. It is also proposed to erect a separate building to act as an isolation pen 2 metres by 4.5 metres, again with a 3.5 metre run, to the rear of the kennels building. It was initially proposed that the buildings would be constructed of rendered walls with a green roof, but this has since been amended to timber cladding with an anthracite roof. The run element would be constructed of galvanised mesh.

It is also proposed to block off the existing access with a wooden fence with planting to the front and form a new access to the south-west of the buildings, which would involve the removal of a small section of hedgerow. The application was accompanied by a noise assessment, a design and access statement and a day to day management strategy. During the processing of the application, the applicant has confirmed that the beech shown in the planting scheme would be substituted for oak.

## **CONSULTATION AND REPRESENTATION RESPONSES**

## Consultees

*OAKE PARISH COUNCIL* - Object on the following grounds:

- Although building specification thought to be professional, significant concerns regarding the potential increase in noise from dogs barking at different times of day, intrusive to neighbours in village.
- Increase in traffic through the village due to dogs being dropped off/collected, which could be a maximum of 30 dogs as stated on application.

New access would create more hard surface, adding to flooding problems in area and destroying length of established hedge.

*SCC - TRANSPORT DEVELOPMENT GROUP* - I refer to the above-mentioned planning application received on 20th November 2013 and, after carrying out a site visit on 25th November 2013 have the following observations on the highway and transportation aspects of this proposal:-

Site Location - The development site is located along Hillfarrance Road a designated classified unnumbered highway to which the National Speed Limit applies past the site frontage. Hillfarrance Road is predominantly single width, to which either side of the carriageway there are grassed highway verges and no street lighting in proximity to the site.

Access Arrangements – The proposal seeks the formation of a new vehicular access onto Hillfarrance Road a designated classified unnumbered highway to which the National Speed Limit applies.

Access to the adopted highway is currently obtained via the existing access onto Hillfarrance Road. The access is considered acceptable in terms of width and geometry. However, vehicular visibility in a south easterly direction is considered substandard as high hedge row impedes visibility.

This is a location where in principle Design Manual for Road and Bridges (DMRB) applies given the rural location of the development and therefore the creation of a new access would warrant the maximum levels of visibility ('Y' coordinates) of 215m in either direction, given that 60mph speed limit which applies along Hillfarrance Road (past the site frontage).

The proposal seeks the formation of a new access and the stopping up of the existing. From onsite observation it is considered that vehicle speeds in this location are likely to be lower than the National Speed Limit.

It is the view of the Highway Authority that vehicle speeds are estimated to be approximately 30mph. It is evident that the proposed new access will result in an improvement in vehicular visibility compared to the existing access and therefore unreasonable for the Highway Authority to object on the basis that the proposed access is unlikely to obtain the required splays for the creation of a new access.

However, the proposed access should incorporate visibility splays of 2.4metres x 43metres, which is achievable from the proposed access. The reason for applying visibility splays based on guidance from Manual for Streets (MfS) as

opposed to Design Manual for Roads and Bridges (DMRB) is that vehicle speeds are likely to be considerably less than the allocated limit given the constraints of Hillfarrance Road.

A suitably worded condition can be attached in connection to the access to incorporate the provision of appropriate visibility splays in perpetuity.

With regards to the formation of the access Drawing No. 'PROPOSED NEW DOMESTIC, AGRICULTURAL & BOARDING ENTRANCE', it detailed that the access is to be provided with a 10metre concrete apron, which is considered acceptable.

If any access gates are to be erected as part of the proposal, they would need to be erected a minimum of 5.0metres back from the carriageway edge to enable a vehicle to pull clear from the existing highway when in operation without becoming an obstruction to vehicles using Hillfarrance Road. Also provision should be provided at the point of access to prevent and discharge of surface water on top the publicly adopted highway.

Finally, under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Office, Burton Place, Taunton, Tel Number 0845 3459155. Application for such a permit should be made at least four weeks before access works are intended to commence, subject to planning approval.

Vehicle Movements - I do not consider the inclusion of ten kennels at an existing boarding facility a significant increase in vehicle movements. The reason for this is that it's likely that the site will be subject to shared trip patterns associated with the existing cattery and would be unreasonable for the Highway Authority to recommend refusal based on an intensification of the site.

Parking/Internal Layout - The site plan Drawing No. 'BLOCK PLAN (14/09/13)', details that eight vehicle parking spaces will be provided as part of the development, which is considered acceptable.

Furthermore, the site provides suitable area to allow for a motor vehicle to turn and access with highway within a forward gear which is essential when accessing onto a classified road. The Highway Authority is therefore satisfied with the parking and internal layout of the development. Suggest conditions regarding the above.

*LANDSCAPE* - Subject to closing up of the existing access; no highway requirements to remove existing hedgerow; and full details of landscape planting, the proposals are acceptable.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - Soundguard Acoustics Ltd has been commissioned by the applicant (Tom Holley) to conduct a noise impact assessment for the proposed kennel development in accordance with the Code of Practice BS8233:1999 and BS4142:1997. The purpose of the report is to determine the impact of any noise upon the nearby residents as a result of the proposals and

the likelihood of complaint as a result of noise.

The report is very comprehensive. Unlike fixed plant, noise from barking dogs is difficult to assess as it is not possible to take quantitative measures which BS4142:1997 is designed for. It is noted that results from a previous noise assessment carried out at a dog boarding kennel is factored into this report to help the assessment.

Under 'Section 6 Results', there is a 'Table 2: BS4142 Daytime Results (Dogs active and within open sided exercise run)'. This shows that noise complaints are likely at Knapp Farm, Altona Park, Pitlands Farm and Whipprels Farm. This 'worst case scenario' can be mitigated by the proposed kennel management plan as stated in the report.

In conclusion, I would recommend that the applicant implement in full the recommendations within the report to mitigate any potential noise issues and suggest a condition to this effect.

In the interests of the local residents and applicant, any potential noise problems should be addressed through the planning process rather than the local authority pursuing statutory remedies. This can be achieved through the use of an appropriate condition as set out above.

If there are any problems with noise the Environmental Health Section has a duty to investigate complaints under the Environmental Protection Act 1990. If the noise is persistent or severe enough to be causing a statutory nuisance the operator could be required to take further action to resolve the problem.

Subsequent comments – Soundguard Acoustics Ltd was commissioned by the applicant (Tom Holley) to conduct a noise impact assessment for the proposed kennel development. Peter Grubb, Associate of Smiths Gore, submitted a critique of the applicants' noise assessment. This critique was undertaken by Graham Rock Acoustics. Soundguard Acoustics have responded to the report by Graham Rock Acoustics and it is the above documents and associated correspondence from Soundguard that I comment on below.

The initial planning application highlighted concerns regarding noise impact to neighbours. I therefore advised that a noise report be commissioned to get an idea of how loud any dog barking could be and compare this to background noise levels in the area. As there is no British Standard specifically designed for the assessment of dog barking, I advised that the principals of BS4142 could be applied in this instance as this standard has previously been used for noise assessments for dog boarding kennels. Both reports from Soundguard and Graham Rock Acoustics agree that BS4142 has shortcomings and that the standard should not be strictly applied but it does provide an assessment of the 'likelihood of complaint' which is relevant in this application from a noise perspective.

My comment dated 15.11.2013 states 'noise from barking dogs is difficult to assess as it is not possible to take quantitative measures which BS4142:1997 is designed for'. Graham Rock Acoustics report is critical of using BS4142 and the associated methodology, but their report offers no practical useful alternatives or provides alternative methodology for the assessment of noise.

Section 7 of the Soundguard report entitled 'Noise Control & Kennel Management' refers to the intended mitigation measures. Part of these measures includes the design and structure of the kennels. Further details on the specification of kennels needs to be provided by the applicant.

Secondly, there is reliance on the applicant to fully implement the mitigation measures whilst managing the business, especially during daylight operation where there is potential for disturbance as highlighted in Section 6 Results: Table 2: BS4142 Daytime Results (Dogs active and within open sided exercise run). My comment dated 15.11.2013 states 'I would recommend that the applicant implement in full the recommendations within the report to mitigate any potential noise issues and suggest a condition to this effect'. Reassurance in the form of a written undertaking by the applicant that this will actually happen is required including specific details explaining how the predicted noise levels in Table 2 : BS4142 Daytime Results (Dogs active and within open sided exercise run) will be addressed.

The use of the Environmental Protection Act is not an alternative to the protection of amenity but the Council has a statutory duty to investigate noise complaints if they arise.

I have 9 years experience in dealing with complaints relating to dog barking. Each situation is unique with many variables affecting the nature of the complaint. Certainly the management of the kennels is a key factor in mitigating any potential noise from the dogs. No noise assessment will be able to definitively state that there will be a noise nuisance or not and as such neither can I.

Further comments - Wouldn't usually comment on drainage provisions....the treatment plant should comply with building reg's and if discharged into a watercourse, a consent issued by the environment agency.

*DRAINAGE ENGINEER* - I note that foul sewage is to be disposed to a package treatment works. It is not clear whether this is to treat the foul water from dogs or personnel. More information is required regarding this method of disposal. Environmental Health Division should also be contacted about this for comments. Surface water is to be discharged to watercourse, again no details have been included with this application. Therefore because of above, I have to object at this present stage.

*WESSEX WATER* - New water supply and waste water connections will be required from Wessex Water to serve this development. Suggest note regarding application forms guidance and further information.

## **Representations**

At the time of writing, the consultation period is still running and as such, any further objections raising new issues will be updated on the update sheet.

15 letters of OBJECTION on the grounds of:

- Changes do not overcome potential level of noise. Few changes in design of kennels from first application. Site on relatively high ground and sound will travel across ground without hindrance. Village of Hillfarrance and dwelling in direct line of kennels. Concerns regarding effectiveness of noise mitigation, can hear dogs at hunting kennels.
- Under standards in noise report where increase in noise levels exceed +10db above background noise levels it is likely that residents will complain, report found impact of noise upon residents exceed this. Not stated in report that Altona Park is mobile homes/caravans and extremely noise sensitive. Stated that noise would not affect Altona Park but 3 small dogs from that property affected applicant's sleep.
- Strange dogs being kennelled together on a short term basis, albeit in separate runs, missing their regular routine, familiar people and surroundings, impossible to stop them barking, disturbing peace. Likely to bark at anytime, intolerable in evening/night time. Dogs out in runs form 7.30am – 10pm when people want to use outdoor space will cause disruption. Noise more intolerable in summer as more dogs on site and people would have windows open/sit in garden, struggle to sleep when windows open. Constant dog barking would make lives of nearby residents a living nightmare and everybody nearby would suffer. Hounds and other local dogs get walked on this lane, causing issue of dogs roaming to proposed kennels as they follow scent, particularly when on heat, worsening neighbourly issues. People boarding dogs may park in lower parking area and walk past cattery causing dogs to bark and distress to cats. Query whether car parking spaces will replace a building. Roofing now has rooflights, which will release noise. Patio doors recommended in sound report not shown. Query point of sound report if mitigation not carried out?
- Concerns that first page of noise report states that is per instructions of client and should not be used by a third party, surely this is invalid if cannot be relied upon, should be unbiased on facts and figures. States that there is likely to be complaints due to the situation and proximity of other residences, so how can application go further in knowledge that will create complaints and foster bad local relations. Sense of pleasantness of surroundings is our entitlement and should not be disturbed by this application. Concerns that EHO stated how problems in due course could be dealt with.
- Noise report full of errors including factual errors and errors in calculations, use of British Standards not appropriate for this sort of noise and misinterpretation of those standards. Also uses source noise measured at another kennels, with small number of dogs and no evidence that results constitute typical case or worse case. Noise report assumes recommendations are in place and still concludes complaints are likely. Report by Graham Rock condemns applicant's sound report by Soundguard. Critique by someone who has experience in dog noise. Applicant's acoustic report so flawed that should not be used by LPA in deciding acceptability of proposal. If noise creates statutory nuisance, operator could be required to take action to resolve problem, but if proposal implements all recommendation in the report and result is a noise problem, nothing else practical that operator could do to address it. Action under Environmental Protection Act (EPA) would fail. LPA should not be relying on EPA, inappropriate and ineffective fallback position. Requests submissions reviewed by Environmental Health Department.
- If Knapp Farm couldn't afford to pay for a true, fair critique of this report, TDBC/Planning Committee would make an uninformed, bad mistake as don't



have expertise within committee and TDBC to make comments and approvals. Query distances stated in noise report and whether these and plans are correct. Query size of cattery. Measurements given in design and access statement for corral different to that shown on site plan. Following request for kennels to be moved closer to buildings, sound report is out by 10 metres, this will make a difference. Measurements in applications, drawings and sound report do not add up. Hedgerow does not extend past house and dwelling is not screened by this or buildings therefore a reduction in db should not have been applied

- Hillfarrance - quiet, peaceful, rural nature and lack of commercialism. Kennels should not be allowed within 1km of residential properties. Noise of up to 30 dogs barking and danger from additional traffic will ruin beautiful, quiet part of county for walkers, horse riders and tourism that would generate local income. Not too much traffic at present, people dropping off/collecting dogs would add to traffic on narrow roads. Dog kennels if passed would change quiet and peaceful area for residents of the village, many of whom are elderly.
- Hillfarrance is becoming base for newcomers to set up and then extend their businesses. Hedgerows ripped out, incongruous entrances constructed. Lanes in rural hamlet built to serve 50 domestic properties, not businesses. In addition to pub, now have builders, garage, caravan/mobile park, B&Bs and cattery, all increase volume of traffic. Lane forms part of recognised cycle route but hazardous for cyclists due to state of repair caused by increased traffic. No street lighting, pavements or verges for locals/hikers to avoid wide or speeding vehicles.
- New developments should be sensitively designed to ensure no harmful impact upon character and appearance of landscape. Design of buildings visually intrusive, not reflective of landscape character. Significant tree planting proposed to mitigate visual and noise impact but inadequate as will take several years to grow. Tree planting will have limited effect on mitigating noise and create alien feature in open, undulating fields. Significant length of access road, in appropriate urban feature within this area of countryside and more concrete will cause more flooding.
- Section of 7.5 metres of hedgerow removed with no assessment on impact of wildlife species, therefore it has not been demonstrated that there would be no harm to European protected species. Two new gateways created in last 6 years, one causes water to run off causing flooding on road. Applicants already removed hedgerows some years ago to the west. Existing access is fully sufficient, traffic not an issue. New access serves no purpose as land accessed internally. Congestion and health and safety problems could be addressed due to low level of machinery movements and given access times for customers. Does not make financial sense to create new access.
- No evidence is provided to illustrate visibility splay suggested in design and access statement. National speed limit applies so 50 metres of visibility inadequate. Design Manual for Roads and Bridges would require 79 metres for a 40mph limit. No evidence to demonstrate speeds motorists travelling so no justification to reduce visibility. Road narrow on that straight stretch, cars often pick up speed. Can be a rat race in mornings and evenings.
- Applicant complained when one dog in neighbouring property barking.
- Water flows from land onto road following water being redirected, road flooded requiring emergency services to help elderly lady home. Concern if freezes in winter.
- Query whether other conditions on previous permission fulfilled, e.g landscaping. Query building regulations. Query number of car parking spaces currently

present and proposed and how much floor space and staff as different applications have different information. Query what staff would do all day.

- Applicant's comment regarding an objectors concern over a dog kennels next to her B&B indicates the damage a kennel can cause to surrounding business and homes.
- Understand need for such businesses but need to be in the correct places. Used to live next to a kennels, where kennels owner promised people would not be hindered or disturbed by dogs barking but not the case and had to move due to constant noise.
- Cattery is used to house stray cats so kennel could be used for stray dogs. Query how possible as stray cats should be kept away from boarding cats. Suggest condition that cannot board stray dogs. Should strive to meet model licencing conditions. Taunton Deane state waste to be collected by a waste collection company and incinerated, but going in 'doggy toilet'.
- Premises ceased to be a farm after cattery approved, therefore not farm diversification.
- Would increase traffic in quiet country location at all times of day and night. Proposed B&B opposite, Taunton Deane need to decide to encourage tourism to a beautiful area as it is a bicycle and walkers route or grant permission for a kennels which, in my experiences, will ruin lives of every home in close proximity.
- Knapp Farm employs 6 people. If can't operate as guest house as tourists may not want to come due to kennels opposite, jobs and additional jobs that could be created as educational based tourism could be destroyed. Occupiers of Knapp Farm have won 6<sup>th</sup> for Charity Pub of the Year, quality they will bring to local charity alike.
- Plans low quality making it difficult to assess impact of buildings on surroundings. Concerns that plans are inaccurate and not to scale.
- Concerns that no pre-application fee paid but refers to visits/meetings/advice from planning officers. Query whether fee has been paid to TDBC and by whom? Query grounds on which EPO recommended the application (*NB Full comments from EPO set out above*). Query why planning officer wanted kennels moved closer to neighbouring property? Query what is more important, impact on open countryside or peace and quiet for locals? Query why TDBC would have asked for photos as evidence of inconsiderate parking?
- Concerns regarding hygiene/spreading disease, keeping cats separate.
- Occupier of Knapp Farm confirms that there will be no unauthorised events such as music festivals at Knapp Farm. Concerns that google searches referred to by applicant regarding activities at Knapp Farm, are actually Tan Hill Inn. Concerns that dog kennels will have negative effects on potential customers of new B&B enterprise at Knapp Farm, as well as residents. Query why residents should have to put up with it for their lifetime?
- Research of 6 kennels has shown kennel occupancy is decreasing due to dog sitting and dogs staying with a host, maximum of 1 part time staff, kennels are inspected and animal numbers restricted, less than 3% used collection service, average dog stays were 7 days, less than 10% bring both cat and dog, customers travel up to 20 miles for kennels, only full bank holiday weekends, most stays in May-August, a new kennel in Somerset would have a big effect on other local kennels. One kennel quoted 'we put up with noise as it's our business and there are other working noises around, we would not move near to a kennels if moving house, if we were not owning the business.'

1 letter of SUPPORT on the following grounds:

- Local area is lacking such a facility
- TDBC new slogan is 'Taunton means business' so should be supporting such an excellent new business venture
- Existing cattery built to first class standard and widely used by local people.
- Looks as though kennels would be built to a similar high standard of design and provide much needed local service for high quality boarding kennels

Letters received from the applicant providing further information and in response to objections:

- Legislation exists to provide LPA with a means to take action against excessive noise pollution post planning approval.
- Concerns that Parish Council changed view due to noise assessment but some had not read it and others ignored positive conclusion.
- Parish Council Chair raised concern regarding removal of hedging but proposal allows for a net gain of 19 metres.
- Clarifies need for additional staff.
- Regarding flooding, area on road occasionally floods when two roadside drains block. Need for roadside drains would indicate road levels to side of these drains are higher, therefore storm water will gravitate to this area (lowest point). Heights can be seen on Ordnance Survey map. County Highways on inspecting flooded lane have found blockages to drainage pipe in past. There have been many objections regarding infrastructure flooding dating back to 2007.
- Regarding complaints of other people's dogs on land, everyone has right to expect others to keep dogs under control and off of privately owned property.
- Access being relocated to avoid conflict of inconsiderate parking.
- Regarding removal of hedge, this was an opening of an existing gateway.
- Regarding visibility splay, 50 metres was at 2.7 metres back. LPA confirmed should be 2.4m back, therefore visibility will be increased. Current access, to be stopped up, currently has 15 metres visibility to south-west and objectors own driveway significantly less than figures suggested.
- Regarding access track, it is not in view of any public or third party land. Previous objections highlighted existing access unsuitable for proposed business. Objector has installed great deal of hardstanding on his premises.
- Tree planting not claimed to form part of noise mitigation.
- Regarding complaint over dog barking, this was continuously from midnight to 7am in non acoustically insulated building. Individuals can get away with such inconsiderate behaviour as ceased before council can investigate. However businesses can be fined and closed down.
- Reference to business activities of nearest neighbour. Evidence of their own noise and traffic producing commercial activities, taken from google search engine. Comments made by agent, Mr Broom on recent application refer to essential requirement of the building for economic viability of the farm and location close to the core of the farm.
- Application makes it clear that subject to dog size, a maximum of 30 dogs can be housed, however dogs from different households cannot be mixed. Would require 10 owners each with 3 dogs all boarding at same time to achieve 30 dogs housed, scenario highly unlikely. Same potential with cattery, but in 20 months trading, have not exceeded 65% capacity. A similar figure with dogs would be 19. Should be noted that noise assessment shows that 30 dogs only create 11% more dB(A) than 5 dogs. Points explained and accepted by Parish Council in January, but not November.

- Claim made that 50 metres of hedgerow requires cutting back, design and access statement clearly states that only 7.5 metres of hedgerow requires removal and 16 metres of new hedgerow will be created.
- Professional critique of noise assessment, objector stated report was not worth paper it was written on. Parish Council subsequently voted to object.
- Regarding opening times, operate strict closing times, 5pm Monday to Saturday, 10am on Sundays. Dogs not permitted onto premises after this time and not at all times of day and night as suggested by objector.
- Will not be accommodating stray dogs. All dogs vetted prior to acceptance in order to deliver high quality establishment. This cannot be achieved with strays.
- Query whether parties are qualified to pre judge 'the probable failure' of action taken under Environmental Protection Act 1990.
- Site of historical agricultural nature and proposal positioned in redundant cattle corral. Not visible from highway. Villagers with more than 5 years local knowledge regularly point out the appearance of property is vastly superior to it's previous use.
- Regarding removal of hedgerow, hedgerows managed to accommodate birds and promote habitats without claiming stewardship grants available. All hedges could be laid without reference to any authority thus damaging wildlife habitat.
- Objector previously raised concern that current access not suitable, at a loss to understand why new access causes same objector such concern. Hedgerow was removed for the siting of a mobile home two years ago at his property.
- While Graham Rock states application of BS4142, etc are wholly inappropriate, he does not suggest an alternative measurement tool. He also states that acoustic professionals in dog noise should be consulted but does not state that he is such a specialist. Admits neither TDBC Core Strategy or NPPF offers policy/guidance relating to dogs and unable to say which noise recording of different kennels is more typical. Suggests noise assessment fails to prove no harm to environment but applicant queries whether farm diversification is a material consideration. Refusing application based on ability to prove/disprove excessive noise fatally flawed.
- Soundguard will clarify position of third party disclaimer but advised that relates to transfer of ownership/future sale of property, does not mean cannot be relied upon by LPA.
- Reference to Canine Country Club website intended to give visual and practical insight into quality of boarding kennels intended.
- Unruly dogs being collected early not practical in most cases and included in error by Soundguard. Unruly dogs will be blacklisted and not boarded in future.
- Clarification of distances. Noise report based on original location, not an error. Graham Rock fully aware that reduction or increase of 10-20 metres will not affect noise detectable to the human ear. Reference to St Giles Kennels which accommodates 50 dogs or more plus a dedicated re-homing centre has two neighbours within 150 metres.
- Circular domes on roof are dummy vents. Roof windows are double glazed with additional secondary glazing unit forming substantial void. Heat and acoustic insulated hinged door as per loft hatch closed at night, providing required insulation level.
- Drawings provided to LPA are correct and to scale. Not responsibility of applicant to ensure these can be scaled via computer. Misleading to suggest drawings and application is deficient.
- Graham Rock's comments to support previous belief that refusing application based on ours or any noise assessment in isolation would be wrong.

- Patio doors are referred to in more than one section of application.
- Licencing requirements are irrelevant at this stage.
- Top parking area is for dog customers, lower area for cats.
- Actual measurements taken by tape measure and calculations made on these figures. Site plan details this information. Objectors have been offered opportunity to measure these distances but declined. They were given noise assessment in August.
- Entire redundant cattle corral not shown on site plan, not required to be, area can be seen on google earth. Cattery shown on site plan includes garden area.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM2 - TD CORE STRATEGY - DEV,  
 CP8 - CP 8 ENVIRONMENT,

## **DETERMINING ISSUES AND CONSIDERATIONS**

Policy DM2 does not explicitly permit this type of development, although there is provision for extensions to existing Class B Business uses. However, section 3 of the NPPF supports sustainable growth and expansion of all types of business and enterprise in rural areas in order to create jobs and prosperity, as well as promote the development and diversification of agricultural and other land-based rural enterprises. Policy DM1 states that development should avoid harm to the appearance and character of any affected landscape, building, settlement or street scene and that any nuisance, which could arise should not unacceptably harm the amenities of individual dwellings or residential areas. Policy CP8 supports development at sustainable locations to improve green infrastructure, visual amenity and overall quality of the environment but states development on unallocated greenfield land will be strictly controlled in order to conserve the environmental assets and open character of the area.

### Impact on the character and appearance of the area

The proposed buildings are to be located to the north-west of the existing buildings and dwelling at Higher Knapp Farm. The previous application sought to locate the kennel buildings some distance away from the buildings but concerns were raised by the case officer and landscape officer regarding the impact this would have on the landscape. It was consequently suggested that the proposed building should be grouped more closely with existing buildings. The scheme now proposed, sites the kennel buildings in reasonably close proximity to the existing agricultural building, being 30 metres at the closest point. As such, the proposed buildings would be adequately related to existing buildings and would not encroach out into the countryside to an unacceptable level.

It was initially suggested that the buildings would be constructed of cream render with green roofs. A cream render building would not however relate well to the existing buildings and would appear somewhat stark in the landscape. The walls have now been amended to timber cladding which is considered much more appropriate. The roofs have been amended to anthracite sheeting, which would not

appear unduly prominent in the landscape and is commonly used for agricultural and other rural buildings. The proposed buildings are designed to be reasonably low in height and would be largely screened from the road by the well established roadside hedge and the existing buildings. A well established hedge lies to the south-west of the proposed buildings, which would largely screen the buildings from that direction. Furthermore, hedge planting is proposed on the remaining three sides, with additional tree planting to the south-east. The landscape officer is satisfied with the proposal subject to full details of landscape planting. Whilst it is acknowledged that there would be some glimpses from public viewpoint, the buildings are not deemed to cause harm to the appearance of the landscape.

The proposal also seeks to provide a replacement access. The lane appears generally rural in nature with a well established hedge bounding the road on both sides. There is a general presumption against alterations that would harm this rural character, such as the removal of areas of hedgerow. However, in this instance, the area of hedgerow to be removed, being only 7.5 metres, is reasonably small, with the visibility splays being provided through trimming back the hedge, rather than its removal. It is acknowledged that this would result in additional hardstanding to create the driveway. This would however run alongside the hedge, rather than directly across a field scarring the landscape and does involve further tree planting to help integrate this into the surrounding landscape. Furthermore, the driveway would be within the applicant's field, screened from public viewpoint by the well established roadside hedge and is not therefore deemed to result in significant harm to the rural character of the area.

The existing access is to be blocked up with a section of timber fence. Whilst the timber fence is not an ideal solution, it is proposed to plant a further hedge to the front of this. It is acknowledged that there would be some landscape impact in the interim, whilst this hedge establishes but once established, the proposal would not result in harm to the rural character of the lane.

#### Impact upon highway safety

It is proposed to install a new access to the south-west of the existing access. It is important to note that this is a replacement access with the existing access being closed off, rather than an additional access and this has been conditioned accordingly. The existing access lacks visibility to the south-east and is therefore considered substandard.

The proposed access would be positioned on a classified road, which is subject to the national speed limit. However, by virtue of the constraints of the road and on site observations, the County Highway Authority are of the opinion that vehicle speeds are likely to be significantly less than the allocated speed limit and therefore consider guidance from Manual for Streets more appropriate than the Design Manual for Roads and Bridges. A condition is attached to ensure that appropriate visibility splays are achieved. It is therefore considered that the proposal leads to a significant improvement over the visibility available from the current access and it would therefore be unreasonable for the County Highways Authority to object. Furthermore, it would be positioned away from the access to Knapp Farm opposite, reducing traffic conflict between the two accesses. In addition, the County Highways Authority is satisfied with the level of parking and that turning can be achieved within the site. On this basis, in highway safety terms, it is considered that there would be

an overall improvement and therefore betterment to the existing situation.

Concerns have been raised as to the increase in traffic movements to the site. Whilst it is acknowledged that there would be some increase, it is important to note that there are already a certain amount of traffic movements taking place in association with the cattery. It is plausible that a proportion of the people bringing cats to the cattery would also have dogs and therefore combine the trip. It is also important to note that a collection/delivery service is operated from the cattery and it is proposed to extend this to the kennels. As such, the level of increased traffic movements would not be proportionate to the number of dogs that the kennels could accommodate and the County Highways Authority do not have concerns on this matter.

#### Impact upon the residential amenities of nearby properties

A great deal of objections are raised regarding the noise and disturbance generated by dogs barking at the kennels. Following concerns raised in previous applications, a noise assessment has now been submitted, which has been assessed by the Council's Environmental Health Section, as specialists in that field. In the case of noise and disturbance, it is generally customary to regard these issues as a matter for the managers of the kennels. It follows that, generally, a carefully designed and well managed facility should not cause significant noise and disturbance and consequent detriment to the amenities of nearby residents. The applicant has accompanied the application with a design and access statement explaining the reasons for designing the kennels in this way. A further report stating the day to day management strategy for the proposed business is also included. It would therefore appear that the applicant is fully aware of the potential for there to be some noise generated from the business and has made provision to ensure that this is minimised.

Letters received from local residents identified some shortcomings in the applicant's noise assessment prepared by Soundguard and a critique of this assessment by Graham Rock Acoustics was provided, along with a subsequent rebuttal from the Soundguard engineer, who undertook the original assessment. The points raised have been further considered by the Environmental Health Section. Whilst the Environmental Protection Officer agrees that it is not appropriate to strictly apply BS4142, it is noted that both he and Graham Rock acknowledge that it does provide a method of assessment. Furthermore, it is pertinent to note that no alternative method has been suggested by Graham Rock as a more appropriate method of assessment.

It is acknowledged that there is likely to be some barking at times and that no noise assessment will be able to categorically state that there will or will not be a noise nuisance, although it is important to note that the Environmental Health Section do not object to the application subject to the kennels being operated in accordance with the management strategy and further details of the specification of the kennels in terms of construction, acoustic materials, etc. A condition is recommended requiring further details for the construction accordingly. It should be noted that there is provision to investigate complaints regarding noise under the Environmental Protection Act 1990 and as such, this matter could be dealt with by the Environmental Health Section, if future complaints should arise. This is not suggested as an alternative, but simply highlights that there is a procedure for the

investigation of noise complaints. As such, following further consideration of the matter, the Environmental Protection Officer's overall conclusion remains unchanged. Accordingly, it is considered that the objections on noise grounds cannot be given sufficient weight to justify the refusal of planning permission.

It is also important to note that the closest residential property to the proposed kennels is in fact the dwelling, in which the applicant resides, only 55 metres away. It would therefore follow that the applicant would seek to ensure that any noise associated with the dog kennels is kept to a minimum so as not to impact upon his own residential amenities. Furthermore, it is important to note that this also shows that there is someone residing on site to tend to the animals if any noise was to occur during the night.

#### Other matters

A concern has been raised that there was no ecological survey carried out in association with the removal of the hedgerow. The need for such a survey depends on the nature of hedgerow and the length to be removed. In this instance, in view of the nature of hedgerow and the small stretch to be removed, an ecological survey was not considered essential.

Further concerns have been raised regarding flooding of the road following drainage alterations within the applicants land. The site does not lie within a Flood Zone and the Council's Drainage Officer has no knowledge of this. It is not considered that the proposed scheme would result in a significantly increased impact on water flows or flooding along this lane and the appropriate consents should be obtained from the Environment Agency regarding drainage.

Concerns have been raised regarding the quality of the plans and that these are not to scale. Whilst it is acknowledged that the plans have not been professionally drawn, this is not essential. An assessment was made at validation stage and it was considered that the plans are adequate for the planning application. An objector has stated that these are not to scale and the example was given of the corral, stated to be 30 metres x 60 metres in the design and access statement, measuring less on the site plan. This is because the site plan shows the proposed scheme and includes the additional hedges to be planted around the buildings, rather than showing the current situation.

A query was also raised as to why there was reference to meetings/visits with the planning officer when no pre-application advice fee had been paid. Whilst the applicant has not undertaken pre-application advice, as set out in the 'Proposal' section of the report above, this is the third planning application submitted for a similar proposal. The planning officer and landscape officer have therefore visited the site and discussed issues with the applicant, in processing these applications, as would be the case in dealing with any planning application.

A concern has been raised regarding hygiene/spreading disease due to insufficient kitchen facilities and that stray cats should be separated from boarding cats. This matter is not a planning matter and would be governed by other regulations outside of the planning system. Where there are other regulations that need to be complied with, it would be necessary for the applicant to address these independently of the planning application. It is also suggested that a condition should be attached stating



that stray dogs should not be boarded. In processing the application, it is necessary to make an assessment on whether or not a dog kennels is acceptable in this location, it is not considered reasonable to condition the nature/type of dog that could be boarded within the kennels.

### Conclusion

In conclusion, it is acknowledged that there could be dog barking in association with the use of the kennels that may generate noise. As stated above, the management of the kennels is a key factor in preventing and mitigating any potential noise and a well managed facility could operate without harm to the living conditions of nearby residents, as is evident with other kennels within the Borough. On this basis, it is not considered reasonable to withhold permission when there is no firm evidence that material disturbance would occur.

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

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

29/12/0015

MR G COATE

**CHANGE OF USE OF LAND TO SITE TEMPORARY AGRICULTURAL WORKERS MOBILE HOME WITH HARDSTANDING AND ASSOCIATED WORKS AND RENOVATION/FORMATION OF TRADITIONAL STONE BARN AT FELTHAM PARK FARM, CORFE (PART RETENTION OF WORKS ALREADY UNDERTAKEN, RESUBMISSION OF 29/12/0004) (AS AMENDED)**

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

Grid Reference: 323046.116886

Retention of Building/Works etc.

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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/L1F Location Plan received 31 January 2013

(A3) DrNo 211/L2P Site Layout

(A3) DrNo 211/G4 Details Refurbished Existing Barn

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

2.
  - (i) Within one month of the date of the decision, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the

character and appearance of the Area of Outstanding Natural Beauty in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

3. The occupation of the mobile home shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need in accordance with paragraph 55 of the National Planning Policy Framework.

4. The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 31 December 2015.

Reason: The mobile home is sited in a location where the local planning authority would not normally grant consent for a residential unit, as set out in Policy DM2 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.
2. Note at request of Drainage Officer:
  - Soakaways should be constructed in accordance with British Research Digest 365 (September 1991).
3. Note at request of Wessex Water:
  - The arrangements for foul water disposal allow for discharge from a private treatment plant. This will require a discharge consent granted through the Environment Agency.
4. As the proposal includes the use of a non-mains foul drainage system, the builder/developer should consult the literature prepared by the Construction Industry Research and Information Association (CIRIA) regarding on-site sewage disposal and septic tank systems. The relevant leaflets can be found on the CIRIA website. Alternatively advice can be obtained from the Environment Agency on foul drainage systems.
5. Note at request of Council's Landscape Officer:
  - Please note that the proposed gating of the PROW to the south of the site is not within the red or blue line area and permission to alter the furniture on it would require permission from the landowner and SCC.
6. Notes at request of Environment Agency:
  - The site must be drained on a separate system with all clean roof and

surface water being kept separate from foul drainage. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

- Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the *"Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers"*
- It is recommended that any animal/equine waste is taken to a sealed system. There must be no release of liquid waste to controlled waters. Storage should be no closer than 10m of any surface water or 50m from any water supply sources. The proposal needs to comply with *"Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers."*

7. The applicant should be aware that the permission for a mobile homes relates to a structure that falls within the definition of a caravan under the Caravan Sites and Control of Development Act 1960. As such, the applicant can site a mobile home of his choice in terms of size and design, provided it falls within the above definition.

## **PROPOSAL**

The site lies in open countryside, between Corfe and Otterford, within the Blackdown Hills Area of Outstanding Natural Beauty. It is situated adjacent to the B3170 road, with a country lane passing to the east and a track, also a public footpath, passing to the south. A hamlet of residential properties lie to the north, with well established woodland to the south (separated by the track) and to the west. The Prior's Park and Adcombe Wood SSSI lies within the site.

The site, now known as Feltham Park Farm comprises 34 acres, of which 26.5 acres are grassland and 7.5 acres are woodland. It is also stated that 9 acres of grazing is taken at Buttles Farm, Churchinford. The farm is operated as a mixed enterprise of 9 Aberdeen Angus Suckler Cows and 18 head of youngstock; 9 pedigree female Boer goats and one billy goat; 40 hives, 20 of which are situated at Feltham with the remainder off site; 55 breeding female alpaca (27 pedigree and 28 fibre registered), 17 youngstock, 14 stud males and 1 gelded mare. The applicant's website – Adcombe Park Alpacas provides details of the alpaca available for sale and for stud.

Planning permission was granted in December 2011 under application (29/11/0013) for the erection of an agricultural building and associated new access from the lane, to the east of the SSSI. Whilst the agricultural building was initially proposed to be located to the south-east of the SSSI, during the processing of the application the positioning was revised to site the building directly to the south of the SSSI.

This application now seeks planning permission for the change of use of the site for the temporary retention of an agricultural worker's mobile home, which includes a treatment plant and a soakaway. This was initially located to the south of the SSSI,

on the site of the approved agricultural building, as per drawing 211/L1E and this is where the mobile home was originally located on site. However, amended plans have been received proposing to reposition the mobile home slightly to the west as shown on drawing 211/L1F. At the end of October, it is understood that the mobile home was destroyed by fire and a subsequent mobile home has now been placed on the site, in the proposed revised position, as shown in drawing 211/L1F. This application also seeks retrospective planning permission in association with the works undertaken in the renovation and formation of the traditional stone barn.

The application initially also included the repositioning of the approved agricultural building to the south-east of the SSSI, however during the processing of the application, this was deleted from the scheme and has since been erected in the position approved under permission 29/11/0013. The building and access was not however constructed in accordance with the approved plans and a separate retrospective application for the revised design of the agricultural building (29/13/0008) was granted by planning committee on 27 November 2013.

Following the receipt of the amended plans revising the proposal as set out above, reconsultation of consultees, neighbours and interested parties was undertaken.

The application was accompanied by a Landscape and Visual Impact Assessment; a wildlife survey; agricultural appraisal; planning, design and access statement; registration certificates for the goats and alpaca; and cattle passports.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*OTTERFORD PARISH COUNCIL* - View unchanged. Strongly object.

Previous comments – Objects on the following grounds:

- Inadequately demonstrated business need – neither barn to house livestock nor other agricultural infrastructure is yet completed, there is a reliance on other ground which is not permanently available to the applicant but only by an annual arrangement. Seven acres of the ground is unusable for grazing, being woodland (around 20% of whole), SSSI designation will require a significantly reduced grazing density which again questions the viability of the proposal.
- Should application be granted, Otterford PC would wish to see an agricultural restriction on the property.

### *Subsequent comments following the receipt of amended plans:*

The Council continues to object as set out in previous letters.

*SCC - TRANSPORT DEVELOPMENT GROUP* - I refer to the above planning application, received on the 10th December 2012. Having visited the site on the 13th December and considered the Highway Authority's previous observations on the highway and transportation I am content that these observations and the request for a condition on disposal of surface water still stand. I have reproduced the content of the previous letter below for convenience:

I refer to the above-mentioned planning application received on 07 August 2012 and after carrying out a site visit on 16 August 2012 have the following observations on the highway and transportation aspects of this proposal:-

The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the new development is likely to be dependant on private vehicles for its daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the NPPF and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National park Joint Structure Plan review (Adopted April 2000), and policy S7 of the Taunton Deane Local Plan.

Notwithstanding the aforementioned comments, it is noted that the proposal is required in relation to the agricultural use and is unlikely to generate additional traffic, therefore it must be a matter for the Local Planning Authority to decide whether the benefits of this application or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car. Access to the site would be gained via a private access off an unclassified highway, in close proximity to the B3170. This access was previously approved in relation to the agricultural use (application number 29/11/0013). Visibility from this access onto the highway is considered to be acceptable. There are no concerns with the continued use of the access for the proposed dwelling.

In terms of traffic generation, the siting of the agricultural workers dwelling would not result in a material increase in traffic generation. This is because the potential reduction in trips from having the worker based on the site would be offset by an increase in other types of trips, such as visiting the shops, school run etc. Internally, there is considered to be sufficient space for the parking and turning of vehicles. Therefore, given that the access is considered to be acceptable and the proposals would not result in a material increase in traffic generation, the proposals are considered to be acceptable, subject to condition relating to the disposal of surface water.

Subsequent comments:

I have looked at the entrance on Feltham Lane today – the concrete apron appears quite adequate for most vehicle movements in and out of the farm. The gates are well set back, suitable visibility splays have been formed. The pipe forming the culvert under the access is of appropriate dimension to carry the water flowing along the ditch on the access side of the lane.

Though it was not raining at the time of my inspection there was nevertheless quite a lot of water draining in the vicinity of the access. I noticed that there is some water running along the lane itself on the opposite side of the lane from just above and across your new access. There are wheel marks on the verge forming a low point and this appears to be the source of this small flow of water on the haunch of the lane. The part of the verge that has been damaged should be repaired and this should result in water flowing into the ditch and not along the highway.

I also noticed that there was a flow of water across the drive of the property Montgomery House. A small proportion of this stemmed from the aforementioned

water running along the highway haunch from just above the new access; however it appeared in large to be emerging from the verge immediately adjacent to the metalled surface of the drive to Montgomery House which I understand is the property of another land-owner.

Further comments:

I can confirm that there was no inappropriate drainage onto the highway from the new concrete apron at the time I made my site visit. Runoff appears to make its way satisfactorily into the private ditches either side, not onto the highway.

*BLACKDOWN HILLS AONB SERVICE* - As you will be aware from comments submitted in response to previous related applications, the AONB Partnership has grave concerns regarding development at this site in respect of conserving and enhancing the natural beauty of the AONB. All comments made on applications 29/11/0013 and 29/12/0004 remain applicable.

Together and individually the elements of this application are considered to have a detrimental effect on the local landscape character of this part of the AONB, that could not successfully be overcome through mitigation. Issues of particular concern in respect of the AONB landscape include:

- the revised position for the agricultural building is one that has previously been rejected due to visual prominence and impact.
- the extent of earthworks and excavation on previously unimproved and rough pasture in proximity to a SSSI.
- the extent of the hard standing areas introduced.
- the scale and appearance of the entrance gateway.
- the introduction of residential use into a previously undeveloped, undisturbed field of considerable scenic value within the AONB.

I trust that these comments are helpful to your consideration of this application, and once again I apologise for the delayed response.

Subsequent comments following the receipt of amended plans:

Thank you for advising the Blackdown Hills AONB Partnership of further amendments to this application.

The Blackdown Hills AONB Management Plan seeks to ensure that all development in the AONB will be of the highest quality and would conserve or enhance natural beauty particularly by respecting the area's landscape character and reinforce local distinctiveness; the AONB Partnership supports local planning authorities in the application of national and local planning policy in order to help achieve this aim.

I note the revised location for the mobile home, and the removal of the agricultural building from this application (I understand that this is currently being constructed as per the original application). Further to comments submitted previously I remain concerned that taken together the earth works, car parking, hard standing, domestic paraphernalia with the access and other works would have a detrimental impact on the character and appearance of the surrounding area, which is defined by being

mixed woodland and semi-improved or unimproved pasture and sparsely settled. The inherent character of this site is of open, unspoilt, undeveloped marshy fields below the wooded slopes of the northern escarpment.

Turning to the issue of need, it is of course a matter for the local planning authority to be satisfied that there is clear evidence to support the need for an on-site dwelling. However in following the various applications relating to this site and the numerous documents and comments submitted it seems that there is a fundamental conflict between the management and farming practice required to justify a viable business here, and managing the land in a way that conserves and enhances the natural beauty of the AONB, in view of the site constraints, condition, habitats and protected site areas. I query whether this enterprise as presented is appropriate at this site given that it appears that a significant percentage of the alpaca herd is kept off-site, which in turn brings in to question the case for needing to have a dwelling on site.

## **LANDSCAPE -**

### *Comments following the receipt of amended plans:*

Revised mobile home location to the west of approved barn should be screened from any views from the east by the approved barn once constructed and be relatively well screened from the south by the existing copse vegetation. However, there will still be some views, especially during winter months, from the public right of way to the south. It is important to define the domestic curtilage of the mobile home to avoid creep of washing lines, play equipment, etc. I advise simple post and wire fencing with a native species hedgerow to define the boundary. I do not necessarily consider this site suitable for a permanent dwelling. I still have concerns regarding the visual impact of the accessway and access trackway, which are both wider than originally planned. The trackway was approved as twin cart tracks, but is now a single carriageway and the removal of the cattle grid will encourage more visually prominent post and rail fencing.

### *Comments in relation to objection letter regarding stone barn:*

In terms of landscape impact, it is relatively small and of local vernacular style and I did not consider it to have an adverse landscape impact.

**NATURAL ENGLAND** - No comments received (*despite agreeing to extended deadline for comments*)

**WESSEX WATER** - Comments made below are on behalf of Wessex Water operating as the water and sewerage undertaker. The arrangements for foul water disposal allow for discharge from a private treatment plant. This will require a discharge consent granted through the Environment Agency. Downstream watercourses are used to abstract water for the public water supply. We request robust procedures are put in place to complete impact assessments to ensure that no contamination occurs to the land drainage system.



*ENVIRONMENT AGENCY* - Development does not fall within a category/description on our external planning consultation list to which we require consulting on. Suggest notes to applicant.

*BIODIVERSITY* - See comments (still valid) made in connection with application 29/12/0004 following - The site of the proposed house now consists of ground recently disturbed by excavation and deposition of soil. Existing gaps in the hedge bank have also recently been widened. The surveyor states that previously the area consisted of improved/semi-improved grassland with localised wet flushes dominated by soft rush. I agree that, in its present state, the land now has low ecological value. It is difficult to assess the significance of this habitat loss and hedgerow removal although the surveyor considers it to be of minor significance. I agree that the impact caused by the reduction in the hedge should be mitigated with further planting. Please liaise with the landscape officer on replanting. If permission is granted then the new dwelling should provide roosting and nesting opportunities for bats and birds.

Details of the current application are slightly different and the application now includes a soak away and a well. I have concerns about the proximity of these features to the nearby SSSI, as it is possible that these could impact on the protected site. I welcome NE's and EA's views on this.

*Subsequent comments following the receipt of amended plans:*

Further to previous comments, I still have concerns about the proximity of this development to a SSSI in the Blackdown Hills AONB. However, I am not convinced that the concerns are sufficient to merit refusal.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - No comments received

*DRAINAGE ENGINEER* - Initial comments - I note that a private sewage treatment plant is to be installed. The applicant should provide information that the Environment Agency have given consent to discharge for this treatment plant.

I note that surface water is to be dealt with by means of SUDS techniques. However no details of how this is to be achieved are included, therefore no approval should be given until such time as the treatment system has been approved.

Following the receipt of further information regarding surface water proposals, suggests condition regarding the use/provision of soakaways.

*CORFE PARISH COUNCIL* - Remain in support of Otterford PC in opposing application. The precedent for the establishment of a new dwelling in this prominent location in the Blackdown Hills AONB is a serious cause for concern.

- *PITMINSTER PARISH COUNCIL* - Access and levels already undertaken, transformed site, resulting in destruction of particular landscape and destroying special amenity.
- Mobile home required due to site being used for a particular animal that requires constant supervision, whereas land could be used without need for mobile home if used for sheep or cattle.
- Concludes preservation of AONB outweighs use of agricultural land for purpose of keeping alpaca, which requires living on site.
- Conflicts with Policy S1 of Taunton Deane Local Plan. (*NB – This Policy is no longer in existence*)

### Subsequent observations

- Impact huge agricultural building will have in unscreened position in the AONB, will be visible from the whole valley. It was moved behind trees but is now back in original position. AONB and Natural England asked TDBC to pay heed to Landscape Officers comments on original siting.
- Access way not constructed to plan 211/L3A in application 29/11/0013.
- Development should minimise adverse effects on local and natural environment/landscape. If significant harm cannot be avoided, should be refused. Site must be suitable for new use.
- Significant harm to character and landscape of AONB and SSSI already made.
- Parish Council wish to see no development on this beautiful Blackdown Hills escarpment to arrest destruction already caused to AONB and SSSI.
- Applicant has shown scant regard for visual qualities of AONB and blatantly flouted planning regulations. Application should be judged on qualities of landscape before unauthorised works, rather than now as despoiled.
- Development is contrary to policies STR1, STR6 and S1 (*NB – These Policies are no longer in existence*). Not alone in strong opposition. CPRE submission particularly relevant.

### *KERNON COUNTRYSIDE CONSULTANTS (COMMISSIONED BY THE COUNCIL TO PROVIDE SPECIALIST ADVICE AND REVIEW THE AGRICULTURAL NEED) –*

#### The Holding and Enterprises

Holding - The applicant, Mr G Coate, purchased 13.7 hectares (34 acres) of land at Feltham in July 2011. The land is now known as Feltham Park Farm and comprises of 10.7 hectares (26.5 acres) of grassland and 3 hectares (7.5 acres) of woodland.

The site benefits from planning consent for a general purpose agricultural building which provides 350 sq m of accommodation. The building, once erected, is to be used for housing livestock and storing hay and straw.

In addition to the owned land the applicant also rents an additional 3.6 hectares (9 acres) of land on a grazing licence.

Enterprises - The holding supports a mixed livestock enterprise comprising of alpacas, Boer goats, beef cattle and bees.

At the time of agricultural appraisal the livestock numbers comprised of:

- 9 Suckler Cows and a Bull;
- 18 youngstock (9 bulls and 9 heifers);
- 9 Boer does and a billy goat;
- 87 alpacas comprising of 55 breeding females, 17 young stock, 14 stud males and 1 gelded male; and
- 40 bee hives.

I have been through the passport / registration documents and can confirm that the number and type of beef animals accords with the livestock stated in the supporting report accords with these documents. However the registration documents show a greater number of goats (16 females and 8 males) than stated in the report. I am satisfied that the number of alpacas stated generally accords with the documents. I actually think that there are more alpacas than stated (56 breeding females, 18 young stock, 5 gelded males and 15 stud males). However as I am sure you will appreciate there are a considerable number of documents to go through and it may be that I have miscounted. However as the numbers are in-line with those set out in the supporting report I have not spent considerable time re-checking the evidence. In any event my assessment will be made against the proposed enterprise rather than the existing stock numbers.

The applicant proposes to develop the enterprises so that by 2015 there will be:

- 36 Pedigree Female Alpacas;
- 42 Fibre Registered Female Alpacas; and
- 16 breeding does.

No expansion plans are set out with regards the bee and cattle enterprises so for the purpose of this assessment it has been assumed that they will remain at their current sizes.

All labour for the enterprise is to be provided for by the applicant.

#### Planning Policy for Rural Workers Dwellings

On 27<sup>th</sup> March 2012 the National Planning Policy Framework (NPPF) was published. This replaced the majority of PPSs and PPGs which previously provided national planning guidance. Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas (2004) (PPS7), which provided planning policy regarding temporary agricultural workers dwellings, has been deleted.

Paragraph 55 of the NPPF currently provides guidance regarding rural dwellings. The paragraph advises that, “to promote sustainable development in rural areas”, housing should be carefully located. New isolated housing should only be allowed in special circumstances such as “the essential need for a rural worker to live permanently at or near their place of work”.

New rural workers’ dwellings should, therefore, be “essential” and “sustainable”.

The NPPF advises that Councils may continue to give full weight to Local Plan policies adopted since 2004 even if there is “a limited degree of conflict” with the NPPF (paragraph 214) and “due weight” should be afforded to Local Plan policies adopted prior to 2004 “according to their consistency” with the NPPF (paragraph 215).

The Borough’s Core Strategy, adopted in September 2012, does not provide any specific planning policy in relation to agricultural workers dwelling.

### Assessment

- Before considering the essential need for the proposed dwelling it is important to consider whether the holding can accommodate the proposed enterprise.
- Appendix 1 of the Agricultural Appraisal sets out the stocking of the holding with the enterprises at full production. The calculations indicate that the SSSI can be grazed at a stocking rate which is half that of the main grazing land. It also indicates that an additional 11 acres of rented ground will be taken on giving a total of 20 acres of rented land.
- The applicant’s livestock calculations indicate a stocking rate of 1.43 Livestock Units per hectare / 0.58 per acre (including the rented land). Typically a stocking rate of 1 LU per acre is acceptable. Given that the application site in particular appears to comprise of some fairly undulating land then the site would probably not be capable of accommodating such a high stocking rate, but I would anticipate that the proposed stocking rate could be more than adequately supported.
- However the stocking rates calculated in the report include 20 acres of rented land. I do not have any particular concerns about the principle of relying on some rented land. Indeed as mentioned in the report this is common practice particularly on dairy farms where young stock and dry cows (the least vulnerable) cattle are grazed away from the main farm and more importantly the farm worker, returning to the home farm prior to calving where they can be given the necessary levels of observation.
- In this case in my opinion the key issue is whether the owned land can support all of the livestock in the lead up to, during and immediately after the birthing period which as per paragraph 7.13 of the agricultural report will occur between April and December, i.e. predominately when the animals are out at grass.
- Typically alpacas (including unweaned youngsters) can be stocked at 12-20 animals per acre (see attached extract from The Farm Management Pocketbook). *NB – Kernon have confirmed that 12-20 animals per acre is a typo and should read 12-20 animals per hectare, although the conclusion is not affected.* On this basis the breeding females if at Feltham all spring / summer would require of the order of 3.9 - 6.5 hectares. Given that the land at Feltham appears to be fairly unproductive grassland then a stocking rate towards the lower end would be more likely and accordingly an additional hectare would be required for the stud males. In reality not all of the breeding females would need to be at Feltham all year. Those that birth early in the season could be moved to the rented land a couple of months after giving birth and those that aren’t due to birth until the end of the season could spend the start of the year on rented grazing. The suckler cows will require of the order of 4-5 hectares (including silage ground) however like the alpacas they only need to be at Feltham during the calving period.

- In summary from a desk-based appraisal it would appear that the land at Feltham in conjunction with rented land can support the proposed enterprises and more importantly there is, with careful management likely to be sufficient land at Feltham to enable the breeding females to all be grazed there around birthing.
- However I note that one of the objectors refers to a recent comment by Natural England which states that “it seems to me that irrespective of the current climatic conditions, the number of livestock on this site, is beyond its carrying capacity and livestock numbers need to be reduced”.
- I have seen some photographs which I believe have been taken by Natural England which show the cattle, in particular, in some very poached ground this winter. However I have not seen any comments on the stocking.
- From my general experience I would comment that the photographs do not necessarily indicate that the land is over-stocked. Firstly this winter has been the wettest on record which won't have helped matters. However the poaching appears to primarily be the result of the outside feeding of the beef cattle. The cattle have poached the area around the feeders (in accordance with cross compliance feeders should be regularly moved to avoid this – you can see that this has been done to some degree with the feeder being moved along the fence line, however I appreciate that this year that has not always been feasible) and rutting has occurred where the tractor has been taking feed to the feeder.
- As planning consent has been granted for an agricultural building I assume that this will be used to over-winter cattle, as indicated in the vets letter dated 15<sup>th</sup> November and therefore poaching won't occur. The alpaca and the goats are of substantially different build to the cattle and accordingly should be able to winter graze without causing poaching.
- Accordingly from my desk based perspective I believe that with careful management, including the winter housing of the cattle, the land, in conjunction with rented land should be able to accommodate the proposed enterprises.

### Rural Workers Dwelling

- Essential Need. Whether or not a worker needs to live on site is a matter of judgement based on factors such as the frequency of out-of-hours problems, the ability of a resident worker to identify and address those problems, the severity of loss if they are not addressed and the potential for notification of problems to a worker living off site (by alarms, for example).
- Once expanded the applicant proposes to have of the order of 70 – 80 alpacas birthing each year along with 9 Suckler Cows calving down and 16 goats kidding. Paragraphs 7.13 -7.30 of the agricultural report sets out why the applicant and his agent believe that there is an Essential Need to live on site. A number of appeal decisions relating to alpaca enterprises where a functional need to live on site has been accepted are also attached.
- Although I do not necessarily believe that all of the tasks / events referred to in the report specifically require a worker to be living on site, in particular routine daily checks on livestock / tasks such as worming etc. do not require a worker to be living on site neither does the alpaca mating process require a worker to be resident on site as this will occur as part of a normal working day. Further I am not convinced that the bee enterprise requires a resident worker, especially as

half of the hives will be located off the main farm.

- However I am satisfied that with the number of alpacas, cattle and goats that are due to birth then during this period, which runs from April to December, there is a need for a worker to live at or near the farm. As stated in paragraph 7.16 the alpaca unlike sheep do not tend to give any signs (bagging up etc.) that they are due to birth. I understand that this is largely due to the fact that in the wild they do not want to give signs that they are due to birth as it makes them more vulnerable to predators.
- Further unlike sheep / cattle who typically birth fairly close to their due dates alpacas can birth well outside their anticipated due date so it makes it much more difficult to condense the birthing period to a compact period like you would say a sheep flock who would typically lamb over a matter of weeks rather than months. Further the length of the gestation period also makes it more difficult to condense the birthing period as late birthing animals will have to remain late on in the season as it does not make economic sense to delay early birthing animals until later in the season. However as sheep have a much shorter gestation period it doesn't matter whether they are early / late to lamb they can still all go to the ram at the same time and hence hopefully all get covered at relatively the same time.
- In my opinion in isolation the small number of cattle and goats would not warrant a worker living on site. It is the alpaca enterprise that warrants an on-site worker.
- I note that an objector has made reference to The Planning Inspectorate Case Law and Practice Guide 7. The guidance note, which I attach, does make reference to the fact that "arguments that alpacas have special care needs should therefore be treated with caution." However in this case the proposed herd will be of the order of 70 -80 breeding females, significantly larger than many of the alpaca enterprises that have obtained consent for a dwelling.
- In summary taking into consideration all of the above I am satisfied that the enterprises in combination will warrant a worker living on site.
- Sustainability considerations? Although there is no longer a specific test in the NPPF regarding sound financial planning in relation to the provision of temporary agricultural workers' dwellings, the Framework only promotes "sustainable development in rural areas" (paragraph 55, in relation to housing). Economic sustainability and the ability to carry out the proposals as described must be part of this. An applicant therefore still needs to demonstrate economic sustainability.
- Financial sustainability. The application has been supported by a confidential business plan which contains actual and budgeted accounts for the enterprise. It is interesting to note that the figures used in the budgets in relation to the sale of alpacas are significantly less than the figures which are shown on the applicant's web-site. In my opinion the figure used in the Business Plan for a pedigree female with male cria at foot are far more representative of the current state of the industry which over the last few years has significantly weakened. However they are still some way off the prices which were paid at auction for a number of the alpacas.
- Unfortunately I do not know the circumstances on the day of the auction but from my experience and from average sales figures taken from AlpacaSeller UK (as attached) it would appear that Mr Coate picked up a number of bargains at the

auction.

- Stud fees are shown in the business plan, which are slightly above average but not unreasonable.
- Having studied, in particular the figures for the alpaca enterprise, in some detail I would comment that they appear reasonable. Variable costs shown for the alpaca enterprise, from my experience of these enterprises, would seem reasonable. Further as set out above the level and value of sales appears reasonable. Once the enterprise is fully expanded the combined enterprises are budgeted to generate a profit, before labour. Further unlike many alpaca enterprises the profit generated by this enterprise is as a result of actual sales rather than increases in stock value.
- The applicant has applied for a temporary consent for three years and therefore at the end of the three year period the local authority will have the opportunity to reassess the financial sustainability of the enterprise and will be able to satisfy themselves that the applicant has achieved the level and value of sales anticipated.
- In summary I am satisfied that the financial documents submitted with the application demonstrate that the enterprise is financially sustainable.

### Summary

In summary the application for a mobile home meets the appropriate policy tests set out in paragraph 55 of the Framework in that:

- There is an essential need for a worker to live at or near their place of work;
- From the detailed business plan that has been prepared it is apparent that the business is likely to be financially sustainable.

### **Representations**

9 letters received from 5 households OBJECTING on the following grounds:

- Designated AONB, special considerations apply, constitutes a visual intrusion detrimental to amenities of area and destroy obvious character and beauty of landscape, against purpose for which AONB has been designated. Scenic landscape enjoyed by many walkers, cyclists and horse riders. Agricultural building would not be hidden by hedges as these need to be kept low to allow for electricity cables. Environmental and visual impact of re-sited agricultural building will be enormous and do irreparable damage to AONB. Views shared with Landscape Officer, AONB, Natural England, 3 Parish Councils and others. Building cannot be unobtrusively sited as stated by CPRE. Re-siting massive structure out into the open will destroy unique site forever, both visually and ecologically. Revised location of farm building preferred as would have working relationship with repaired barn and could serve future farming uses. Development on high ground of the plot, clearly and very visibly viewed from Feltham Lane. AONB must be protected from new residencies unless significant economic benefit. Development will spoil land for future generations to enjoy and be visible forever. Hardstanding proposed is totally excessive and shows scant regard for sensitivity. Application does not merit putting AONB at risk,

should be refused and site restored. Aghast to learn that planning permission has already been granted for the erection of an agricultural building. Previously unspoilt hillside on Blackdowns Escarpment has been despoiled by the unauthorised works already carried out, including vast area of former pasture tipped with builders rubble. Blackdown escarpment one of most important landscapes within AONB. Proposal, with exception of works to small stone barn, in serious conflict with AONB policies, will neither preserve nor enhance natural beauty and adversely affect landscape character. Site open to view from various public vantage points along the narrow road, especially from footpath to southern boundary. Views from public routes have been/will be seriously damaged. Applicant has shown scant regard for visual qualities of AONB and blatantly flouted planning regulations. Application should be judged on qualities of the landscape before unauthorised works, rather than now, despoiled. This farming mix would be better located elsewhere not within AONB, with particular sensitive needs to maintain or improve existing flora and fauna on poor soils. Sensitive nature of alpaca that require 24 hour on site care is wrong farming practice on poor, low grade soils, SSSI should not be jeopardised by totally inappropriate husbandry and AONB should not be compromised by an unsuitable farming use. Wrong type of farming on wrong location, not justification for a dwelling. Highly visible track across site should be lined with mixed native hedgerow to soften it's impact across rising ground.

- Approximately 40% of grazing land designated as SSSI and adjacent to another, impact upon flora, fauna and wildlife. No external lighting should be permitted to protect flora and fauna.
- Access driveway not in accordance with planning permission and should be restored to mitigate impact on the visual aspect of this eyesore. Developed without regard to landscape and character of AONB, requirements for visibility, entrance width and surfacing appear over-engineered in this setting, having a detrimental impact on rural character. Entrance wider than previously approved and other variances.
- A need has not been proven for a permanent on site person requiring a temporary agricultural dwelling. Land rented at Buttles Farm, Churchinford and no functional need and security requirement to be on site for livestock there or elsewhere. Urge local planning authority to seek independent expert opinion on alleged agricultural need. Temporary permission, once granted is a 'foot in the door' becomes impossible to not further extend. Only significant farming solutions should ever be allowed permission to create dwelling in very sensitive farming unit. Not been demonstrated that this mix of farming could only be undertaken within special nature of AONB and will at least maintain if not improve the very fragile nature of the AONB land management. Stock control in AONB should be managed by traditional bank and hedging, not onsite presence. Alpaca births can be organised to occur at specific times and can be bred successfully without a person being on site at most times. Mr Coate had 6 pregnancies at purchase and 5 were born within a week. Births organised for June-July would aid cria survival rates as no shelter at Feltham Park Farm, although shelter is recommended. Alpaca need very little attention. Alpacas of Ireland website states *They require relatively little daily attention. The care of even a large herd can be combined with a full-time job.* Another alpaca breeder website states *Alpaca are very easy to look after, an annual shearing, twice yearly vaccinations and little else.* Current practice at Feltham Park Farm reflects this low level requirement for alpaca management. One of largest alpaca breeders in South West recommends 10-20 minutes per day to check their



numbers that they are all standing and no single alpaca is separated from the others. In line with our observations over the past year at Feltham Park Farm. No requirement to be on site for other livestock under application 29/11/0013. Labour requirements of enterprise only equate to part-time labour. British Alpaca Society states *Although preferable to live on site, possible to run a successful alpaca breeding business without doing so. Most problems could be dealt with by non-resident worker, supplemented by staying overnight on an occasional basis.* Not 100 alpaca on site, at time of writing only 35, raising concern that welfare and security of other 60 alpaca elsewhere is compromised by Mr Coate not living in that location. Despite living on site, Mr Coate looks after his animals on a part-time basis only.

- Land rented should not be in financial justification. Investment in agricultural building has not been exercised (*NB - comments received prior to erection*). 92% of livestock are alpaca, relating to huge percentage of income. 1.7 workers not essential for stock management. If were, agricultural labour costs for alpaca alone would be £33,000 per annum. Business has not been planned on a sound financial basis, unlikely to become viable and sustainable. No mention of standard labour rates for alpaca in Farm Classification Working Party document. Figures used for labour requirements for alpaca are unsubstantiated. Query why cannot be compared to labour requirement of sheep. Full-time agricultural worker is unjustified. Mr Coate's website shows alpaca herd for sale at a 637% increase in stock value of what he bought them for, based on auctioneers website. Half of female alpaca fibre-registered so third generation of offspring will be registered pedigree. Half of female herd will not produce cria of any value for 3-4 years. Stud prices also considerably higher than the purchase price of the same animal. Query if prices have been verified. Area is red alert for TB, would a serious alpaca breeder buy or use these for stud services. Alpaca were grazing with cattle which makes fleece practically worthless. Comments from a leading expert alpaca breeder stated Blueberry herd purchases were those at lower end of quality scale that no-one else wanted, unlikely to generate sales with poor quality of stud males purchased at pet prices, alpaca kept on damp, poor pasture with undergrowth in field so fibre being destroyed by mud, vegetation and hay, affecting value of fleece and alpaca not shorn in 2012 so no income from fibre in 2012 – 2013, males running with females and cria so unwanted pregnancies with owner being unsure of sire of the cria or when birth expected therefore stock can only be registered when sire identified by DNA, not in line with vast amount of time spent supervising and controlling matings as set out in appraisal, there are numerous stud males available in south west with services well proven, stud fees he is hoping to charge are same or more than those charged for top males standing at stud, commercially viable alpaca enterprise at Feltham Park is going to be difficult to achieve, standard labour rates grossly inflated, will not require anything like this, husbandry is poor and welfare concerns, concerns that alpaca are not being cared for well but being used as a tool to obtain planning permission, content of website has false content against Advertising Standards Agency laws, including photos of animals not owned.
- Natural England proposed land can be maintained with 30 head of cattle, which requires no permanent on site presence and alpaca societies have maintained it is not necessary. No mention of worker or dwelling being required under earlier application for barn. Our property overlooks Feltham Park Farm, no visual evidence of need for 1.7 persons over the past year. We and other neighbours have observed one person on site for approximately 1 hour per day for stock

management and feeding. Many other occasions when he has been on site all day excavating/developing land, not looking after livestock.

- Highways and infrastructure not built to handle this type of traffic. Already deterioration and destruction of Adcombe Lane as road is braking up due to heavy machinery. Mud on the hill causing skidding and farm vehicles obstructing thoroughfare.
- Small stone barn and concrete apron did not exist on land when purchased in July 2011, not a refurbishment or repair, built without planning permission. Unwelcome impact on area, fully visible from Adcombe Lane, visually appalling and environmentally unfit for overwintering cattle. Area not designed for cattle handling so no provision to collect run-off so is likely to affect SSSI and risk contaminating watercourse. Shed should be demolished and area restored to pasture. Previous owner states building was used as field shelter for livestock, no need for field shelter as cattle have always been overwintered off site as ground is so wet. Shed is within 200 metres of Montgomery House, Article 3 of GPDO states a building used for livestock accommodation must be at least 400m from a dwelling. Works have not been completed as per the currently submitted elevations, there are no wooden doors or gables. Roof is not a re-roof, there was no roof or walls to support it, roof now second hand rusty sheeting, not even of same length.
- Reference to Planning Inspectorate Case Law and Practice Guide 7 - Alpaca Farming.
- The three appeals appended to support the application illustrate that it is common practice to overstate the Standard Labour Requirement because there are no substantiated figures.
- Security concerns following theft of 2 alpaca not enough justification for a full time person on site. None of residents were interviewed about theft, people in nearby houses directly overlook alpaca, only 25 metres away in one case. An appeal states no reported alpaca thefts in the UK in 2008, unusual that two thefts within two months at Feltham Park Farm. Query theft of gelded male, lowest priced of the herd with worthless fleece. Theft was reason for hasty installation of temporary dwelling but security in itself not justification. Incredible amount of money expended on acquisition and installation of mobile home for such small value thefts. Proposed temporary dwelling will not achieve desired sight and sound requirements as vegetation obscures view of much of pasture.
- Abundance of affordable accommodation available in nearby Blagdon, Corfe and Churchinford (for sale or rent), within a few minutes drive, close enough for someone to cater to animals needs with access to facilities. Not many farmers live within site and sound of all their stock, particularly on larger farms. At Feltham need personal transport to access facilities, no public transport.
- Dwelling has been on site sometime with no permission and no plans for removal as owner drops and resubmits new applications. Mockery of process.
- Temporary dwelling should not be discussed unless a permanent dwelling is also discussed – this is a precursor to a permanent dwelling. Local planning authorities should not grant planning permission in locations where they would not permit a permanent dwelling. Natural England objected to previous westward siting of agricultural building behind trees, surely would not allow permanent dwelling in same position or to west beyond hedge line. Permanent house siting will be a problem.
- Site is located upstream of a drinking water reservoir within Wessex Water Supply Catchment. System downstream incapable of treating Cryptosporidium infection. Soils at site have low infiltration capacity evidenced by poaching.

Level of stock proposed likely to result in further soil erosion, poaching, water contamination, downstream degradation and associated additional vehicle movements, along with new sources of surface water contamination and increase severity of existing surface water contamination, resulting in significant risk to quality of surface water discharging off site. Catchments capacity to assimilate proposed increase in contaminants load is limited. Best practice environmental management principles dictate that stocking rates, erosion and other risks adjacent to, upstream and downstream of site need to be assessed for potential cumulative effects. Planning tension between approving a development that requires proportionately large number of animals to make a living and siting it in a sensitive water supply catchment. Constraint was made clear to proponent at time of purchase.

- Land was auctioned as 26 acres grazing land in a quiet hamlet, not a farm development. Legal advice stated that due to restrictive covenants and land being within AONB – no development potential whatsoever. After excavation/destruction and taking out SSSI, only 14 acres of proper grazing available. Too small, will not sustain 100 alpacas planned, let alone 40 goats and 30 head of cattle. Stocking proposal too high when looked at against DEFRA or BAS recommendations, BAS recommends 2/3 alpaca per acre on this poor pasture, max 73 with no allowance for other livestock. Natural England have commented that number of livestock on site is beyond carrying capacity and livestock numbers need to be reduced. Stocking rate calculation incorrect as states 20 acres rather than 9 acres, but none of rented land should be included. Landscape suited to grazing sheep or cattle with no necessity for a full time worker or agricultural dwelling. Fields are wet for most of year so not viable for cattle grazing for more than 5 months of year. Nearby Devil's Pit Farm has had agricultural tie removed as farming is not sustainable. No justification of long term storage of cattle in this location. Previous farmer of land suffered 3 deaths of cattle in one year from red water disease.
- Natural England would not allow agricultural building behind trees, why would they allow a temporary building plus associated engineering works behind trees.
- Venture not financially viable on land available, therefore no need for dwelling or agricultural building. Land of too little economic value with no commitment to a long term presence to justify dwelling. Farming enterprise has marginal economics that do not justify putting AONB at risk.
- Animal welfare not directly a planning matter but is material to the long term sustainability of the enterprise. BAS and Mr Coates vet disagree on welfare in terms of shelter, shearing and communal grazing. Communal grazing may not pose welfare risk but this and not shearing would lead to potential loss of income due to contamination and fibre length. Shearing and livestock segregation recommended by BAS. Shelter recommended by BAS but vet says enclosure boundaries are sufficient so no additional shelter is necessary.
- Mr Coate has been living on site since August 2012 and most of livestock losses and welfare problems have occurred during this period. Seen evidence of dead alpaca and goats this month.
- Concerns that specialist camelid vet has not visited site and is not aware of current conditions, but has issued general guidance on alpaca based welfare based on vast experience.
- Number of animals results in increased traffic, noise, smell and general activity. Smell, pollution and noise of animals so close to residential properties has already required participation of Environmental Health.
- Beehive sites are a health and safety issue – swarms of bees have been in

nearby houses.

- No evidence of acceptance of grants for maintenance of land, would conclude that good management of SSSI not being practiced. An experienced and serious farmer would not have purchased small site of unusable pasture in AONB, adjacent to SSSI and attempt to develop it without preliminary discussions and written permission of interested parties. Why did he not purchase 34 acres of usable land outside the AONB more suitable to planned enterprise. A farmer who cared for welfare of his stock would have made provision for them by first achieving planning permission for his intended agricultural facilities before purchasing stock, not buying them speculating planning would be forthcoming. Animals have been left to suffer on the pasture for two winters, causing damage to land and stress to animals, often being knee-deep in mud and excrement.
- Activity on site demonstrates lack of appreciation and understanding of management to conserve and enhance local environment. AONB supports comments made by Natural England in relation to impact on AONB. Very sad that Mr Coate destroys AONB/SSSI with apparent ease. He has excavated site for four bedroom dwelling and barn only covering with topsoil, excavated and put in hardstanding areas, built a small shed, installed a chalet bungalow with all amenities, removed hedgerows and power cables, overstocked land and repeatedly submitted applications. Applicant is bulldozing way through planning procedures and has no regard to environment or regulations.

Letter received on behalf of Campaign to Protect Rural England objecting on the grounds of:

- Own landscape officer considers proposal detrimental to landscape character of the AONB. Clear conflict with policy which gives highest level of protection to landscape.
- Natural England considers proposal will have damaging effect on SSSI.
- Additional land on an annual grazing licence should be disregarded as no assurance of continuity. Grazing land is unimproved and semi-improved wet grassland, totally unsuitable for anything except extensive grazing at low stocking rates. Management options constrained as part of site is SSSI.
- Only justification for a temporary mobile agricultural dwelling would be to give occupier opportunity to demonstrate holding is viable, because of size and constraints this is never going to be possible, so there can be no justification.
- TDBC should be mindful of its duties to the protection and enhancement of the natural beauty and wildlife of AONB as well as to conserve biodiversity.

5 letters of SUPPORT received on the grounds of:

- George is from farming family spanning at least five generations and showed early interest in farming. Soon became hands on with livestock farming, animal care, welfare, feeding. Regularly attended livestock auctions recognising different types/quality of stock. Became interested in bloodlines and produced high quality pedigree animals, at forefront in production of high quality stock and given the best of animal husbandry. Complete confidence that George is more than capable of all aspects of animal husbandry and welfare and business is being run successfully. Natural ability with livestock has always shone through. Ways into farming are so limited today. All young farmers should be given

opportunity and encouragement to set up their own farming business. With sale of many county council farms and amalgamation of small farms into larger units, paramount that local council give assistance with development of young farmers new entities. He has drive, knowledge and determination to make a livestock farm succeed and should be welcomed into the industry.

- George has developed his business plan for the farm enterprise and shown an entrepreneurial approach towards creating a sustainable farming business on a small farm. To create a profitable farm business from scratch is quite an achievement and taken a great deal of research, planning and hard work to develop a financially sustainable mix of livestock enterprises that complement the natural biodiversity of the farm.
- Permission will assist with improved animal welfare and other emergency and security issues. Sympathise with struggles George has already had to deal with including loss of calving stock, theft, and excessive travel time around the clock by not having 24hr on-site presence. Need to be on site to promptly attend numerous 24 hour related emergencies due to keeping livestock which birth all year round in quantity that Mr Coate does.
- Day to day management and care of this number of livestock, as well as overall management of the business is a lot of hard work and a full-time occupation.
- Being unable to reside as a full time farmer on site could jeopardise an interesting, diverse and forward thinking farm business that has the potential to contribute to the rural economy. From a welfare standpoint essential that there is a capable worker on site 24 hours a day, not only for day-to-day needs but particularly for emergency welfare needs of 87 camelids, as well as cattle and goats. A breeding programme for a large herd takes a considerable amount of time and very regular emergencies (e.g. illness, all year round births, injury and isolation) and essential tasks occur that cannot be worked into a scheduled day, hence a considerable proportion of the work needs to be carried out at unsocial hours. Security is also important, previous thefts from farm have been prevented recently through continual presence on the farm, implying requirement for a dwelling. A dwelling to house a competent stockperson would ensure current high levels of animal health and welfare are maintained, not only for benefit of animals but to guarantee future of a viable business.
- Position of dwelling will not interrupt existing view points, to the west of livestock shed seems appropriate location.
- As former tenant, I am familiar with environment and ground there, Mr Coate has done a fantastic job maintaining and improving grassland through his livestock/business practices. Large number of beehives have wider environmental benefits in pollination of wild flowers and meadows. Mr Coate is a dedicated farmer with a diverse business that suits the environment.

Letter received from a Specialist Camelid Vet in support on the grounds of:

- Level of livestock on farm clearly commercial operation not a hobby farm. Animals farmed are breeding animals, requiring considerable amount of time and commitment, particularly around parturition and during first few months of life.
- Alpacas susceptible to many conditions that may result in disease at any time of year. Important to check animals regularly to observe subtle signs of illness, which indicate that an animal is sick or in pain. All subtle clues that may be picked up by an owner being present on site and able to supervise animals closely and regularly in day and evening hours. Not uncommon to have no

clinical signs yet be found dead within 24 hours, restricting observation increases chances of this. Should be encouraging closer supervision of farm animals to avoid unnecessary suffering. Alpaca can require treatment anytime day or night, especially in winter when cold and cria can require bottle feeding every 2 hours up to 6 months old if mothers have insufficient milk or have died. This is required every two hours during the first month as feeding too much in a single feed can cause life-threatening problems. Exceptionally difficult if not living on site, compromising animal welfare.

- Under good conditions, alpaca can breed all year round and it is not possible to accurately predict a birthing date due to variable gestation dates requiring extended observation. In response to Planning Inspectorate's Case Law and Practice Guide 7, whilst it is true that most birthings will take place between dawn and the afternoon, those that do not are likely to be having problems. If delivery of cria does not take place within 20-30 mins urgent examination is required and delay could cause fatal consequences for both cria and dam.
- Planning application is submitted in retrospect due to theft of 3 alpaca. Given potential value, desire to live on site understandable.
- Not shearing alpaca in normal years could result in heat stress but lack of shearing in 2012 was not an issue as summer was virtually non-existent. Regular checks would spot and address any problems of fly strike.
- Strongly support Mr Coate's desire to live on site and urge you to consider that the welfare of the animals is better served in this manner.

9 letters of OBJECTION received from 7 different households following notification of amended plans, raising the following new issues:

- Letter received from South West Alpaca Group stating that previous supportive letter was desk based, requested several times by Mr Coate but now having viewed the site, raises concern site is subject to extremes of weather with poor quality soil and covenants preventing improvements to drainage and use of fertiliser. Concerns that stocking figure quoted by Kernon should read per hectare, rather than per acre, considers that to still be over ambitious. Mr Coate obviously aware of limitations as less than 30 alpaca on site at time of visit, he had been suffering losses and remainder on rented land. Of opinion that site could support 50 alpaca with no other livestock, but need shelter and substantial barn in winter. Concern over welfare as he purchased an excessive number of inexpensive animals that does not bode well for a substantial alpaca business, where quality of stock and fleece of paramount importance. Alpaca not shorn in 2012, now wet, muddy, overgrown fleeces of little commercial value. Concerned what will happen to animals if planning permission refused, or for their future if granted. If permission successful, should demonstrate in 3 year provisional period that he is willing and able to provide suitable facilities for well-being of animals, rather than using as a pawn to uplift value of site.
- Temporary dwelling will not be located within site and sound of herd as behind trees.
- Specialist camelid vet commented on application but has not visited site so no first hand knowledge of husbandry practices of applicant – she was speaking in general terms of the principle of a person owning nearly 100 alpaca to live on site.
- Fully concur with observations of Blackdown Hills AONB Partnership dated 18/1/13. Application should be rejected as the repositioning of the mobile home

is a further blight on the landscape.

- Regrettable that planning permission granted for building elsewhere on site. Strongly object to revised application or any other permutation applicant chooses to dream up.
- Agricultural need inconclusive based on comments of South West Alpaca Group. Nothing that says farming alpaca on vulnerable site will help to maintain let alone improve quality of soil, flora and fauna. 43% of land rented elsewhere (20 acres out of 46.5 acres) and three-quarters of alpaca on rented land, therefore proposed temporary dwelling not essential at Feltham as requirements of alpaca welfare and security cannot be met from this site. This will always be case as land at Feltham is incapable of supporting more than 50 alpaca, without other livestock.
- Alpaca were purchased in August 2011, before submission of application for agricultural building in October 2011, which stated enterprise comprised of suckler cows and bee hives. No reference to ownership of Blueberry Herd of alpaca and no requirement for onsite accommodation to manage them. This was not mentioned until July 2012, nearly a year after they were purchased. Goats also purchased prior to living on site.
- Deaths put down to not living on site but several deaths witnessed when he was resident on site and will most likely continue due to poor quality of land, unsuitability of site in winter without appropriate facilities and no shelter for alpaca.
- Numbers of animals cannot be sustained as stated by Welfare Representative of South West Alpaca Group.
- A permanent dwelling will be applied for after a few years, distance of soakaway from temporary home suggests siting has already been chosen. If allowed, this will further damage the SSSI, positioning to east objected to by Ian Clark on landscape grounds.
- Access way not constructed to approved plan as apron has no fall in it and covered up with soil to disguise it. Significant risk of soil washing onto highway as nothing to retain it.
- Concerns that Taunton Deane commissioned desk based appraisal of agricultural worker's dwelling. They may have come to a different conclusion if they had seen first-hand the condition of the alpaca, poor condition of the pasture, development's siting and lack of husbandry. Kernon's appraisal makes no reference to impact development will have on the management of the SSSI or AONB.
- Concerns that due to some females being too young to breed, some not being pedigree status, applicant will not have 70-80 alpaca birthing which can be sold at pedigree price, although will have costs associated with all births. Taking into account labour and variable costs, most unlikely that applicant can make a profit from alpaca sales. Fleece and stud sales are unlikely given condition of alpaca. Account should also be taken of losses resulting from death. Therefore enterprise not sustainable and not planned on a sound financial basis.
- Land sold to applicant with retained rights under covenants by Wessex Water, all of which are being contravened. Wessex Waters consent should be obtained before TDBC makes a decision.
- Temporary accommodation gives 3 years to prove viability of holding and seek permanent residential structures. Unfair that others are expected to show viability in three years but this applicant receiving preferential treatment, allowing him additional year to prove viability. No valid reason for application to drag on without resolution, in interests of fairness, both applications should be brought to

same committee meeting as they are linked.

2 letters of SUPPORT received following notification of amended plans, raising the following new issues:

- Letter received from Farmvets regarding housing needs of alpacas. Alpacas are native to cold mountainous regions, likely to be lot of severe weather. Main requirement is to find some protection from strong winds and strong sun, they do not need enclosed housing. Dense hedges and natural woodland edges can provide what is required and barn being constructed is adequate to meet winter housing requirements for alpaca if necessary.
- Letter received from former tenant of land - I have farmed Mr Coate's land for 10 years prior to his purchase and have extensive real practical experience of the farm and farming in general. Mr Gratton has made comments on the grass/ground quality but he is not a farmer. I can state with my direct knowledge and farming experience of the ground that the grass grows very well and although some isolated areas can be very wet (SSSI), the vast majority of ground (all non-SSSI) is normally productive grassland, which is firm under foot. I can very confidently say that Mr Coate's alpaca and goat enterprise in full flow of 130 animals can be fully accommodated solely on his farm. Any comments to suggest otherwise are complete nonsense. I understand cattle will be relocated to rented premises in spring/summer rather than outwintered on grassland, which will see a vast improvement next winter. With the addition of the large farm building, I see Mr Coate's premises as an entirely sensible and suitable set up for his business, suggestions that it is not are respectively uninformed in commercial agriculture and it must be very frustrating for Mr Coate. Although uncommon, alpaca businesses can operate within a building, fed hard food and Mr Coate's building is large enough to accommodate his entire alpaca business without any outside grazing, therefore the subject of grass growth is not material. I hope Mr Coate can be supported so his business can thrive.

Letter received from applicant providing further details:

- Concerns that objectors comments are incorrect and potentially misleading to an uninformed viewer.
- Currently have 60 alpaca at Feltham Park Farm of higher value animals, whilst remainder on rented land. Cattle, goats and bees presently on Feltham Park Farm. Not ideal for some animals to be on rented land 4 miles away, they will come back permanently when farm building is complete or in summer when land recovers from winter and cattle will be relocated to rented ground once calving complete.
- Grass growth on farm extremely good, as stated by previous tenant. Soil analysis by Mole Valley Farmers showed good all round content and organic matter levels. Some fields have become poached during this winter following one of wettest summers on record, poaching is a common problem of overwintering cattle on any ground and necessary as cattle shed was not up, which now is. Only some of SSSI areas are wet, stocking levels reduced accordingly, rate considered acceptable by agricultural agent. All non-SSSI is firm under foot. No requirement to grow cereals or vegetables more suited to grade 1/2 soils and have chosen appropriate ground quality for my business.



Livestock shed is large enough to accommodate entire alpaca business so if grass died, business would still operate to full extent buying in fodder. Financial assumptions made by objector relating to alpaca sales prices and profits are consistently incorrect and form impossible assumptions without any knowledge of commercial farming or viewing confidential submissions. Arminel Goodall from County Highways confirmed there was no inappropriate drainage onto the highway from the new concrete apron, run-off makes it's way satisfactorily into private ditches either side, not onto highway. An area of topsoiled verge either side of splay is reinforced by a sub layer of concrete which protects drainage ditch pipes from long vehicles prone to cutting the verge. Mobile home considerably further from SSSI than objector states, but immaterial as foul water is treated via Sewage Treatment Plant and onto soakaway in excess of Environment Agency's guidelines of 50m from SSSI, therefore have gained approval of EA consent to discharge and installation covered by Building Regulations. Mobile home will have no effect on SSSI.

## **PLANNING POLICIES**

AONB - Area of Outstanding Natural Beauty,  
NPPF - National Planning Policy Framework,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £1,079

Somerset County Council (Upper Tier Authority) £270

### 6 Year Payment

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

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is important to note that a great deal of objections have been raised to the erection of the agricultural building. This was however granted consent under a previous application and has since been erected and deleted from this application. As such, no weight is attributed to comments referring to that element of the scheme.

Paragraph 55 of the National Planning Policy Framework (NPPF) states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. e.g. the essential need for a rural worker to live permanently at or near their place of work in the countryside. Following the introduction of the NPPF, it has been widely accepted that the most appropriate way of assessing this need is through the use of the former Annex A of PPS7 and Taunton Deane have officially agreed this as technical guidance, following the agreement of the LDF Steering Group in July 2012. As such, the application for the temporary agricultural worker's dwelling will be assessed against the criteria set out in the former Annex A.

Paragraph 12 of the former Annex A sets out the criteria that applications for a temporary agricultural dwelling should be assessed against:

- i) Clear evidence of a firm intention and ability to develop the enterprise concerned;
- ii) there must be a functional need for one or more workers to be readily available on the holding at most times. For example, if workers are needed to be on hand day and night;
- iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- iv) no other dwellings should be capable of meeting the identified need, either on the property or in the area, which is suitable and available;
- i) other planning requirements. For example, access or impact upon the countryside must be satisfied.

i) Intention and Ability

The applicant has been utilising the land for the farming business since it was purchased in 2011. In December 2011, planning permission was granted for the erection of an agricultural building on the site. Although planning permission was obtained, this was not constructed until earlier this year and the applicant has stated this was largely due to the challenging weather conditions in 2012. The building has however now been constructed on the holding. Furthermore, works have also been undertaken to create an animal shelter and livestock handling area through the renovation/formation of a traditional stone barn.

The applicant has therefore invested in agricultural buildings on the site that are appropriate for the nature of the farming enterprise indicating an intention to develop the business on the site. The accounts submitted indicate that a large proportion of the suggested business is already operating, whilst supporting letters have set out the applicant's agricultural background and experience to suggest that he has the ability to develop the enterprise concerned.

It is also important to consider whether the site is capable of accommodating the enterprise concerned. On the basis that it was deemed that this matter needed consideration by an agricultural specialist, Kernon Countryside Consultants were instructed to undertake a desk based appraisal of the application. Kernon have assessed the stocking densities, taking into account the nature of the grassland and are of the opinion that the proposed stocking rate could be more than adequately supported. It is acknowledged that the stocking rate has taken into account rented land, although it is a common occurrence for farmers to rent in additional land to

supplement that owned and as such, Kernon considered it appropriate for this to be included in the calculation. It is also pertinent to note that the amount of rented land is low in comparison to the amount owned. Furthermore, Kernon assessed whether the owned (supervised) land could accommodate all of the livestock that require supervision during and immediately after birthday, which was considered to be the key issue. In view of the long birthing period and the fact that not all of the breeding females would need to be at Feltham all year round, it is considered that with careful management and rotation of stock depending on their birthing time and needs, sufficient land exists at Feltham to accommodate breeding females at the appropriate times, whilst the inclusion of the rented land would enable the proposed business as a whole to be supported.

It is noted that an objector has raised the concern that the site is beyond its carrying capacity, although Kernon are not of the opinion that it is necessarily overstocked but instead poached due to the extreme wet weather in 2012 and the cattle being fed outside. Kernon have however highlighted that the erection of the agricultural building would make provision for the over-wintering of the cattle, preventing this from occurring in the future. In view of alpaca and goats being of a different build to cattle, they are unlikely to have this impact on the ground when winter grazing.

ii) Functional Need and whether the functional need cannot be fulfilled by another existing dwelling (iv)

One of the main issues for consideration is whether there is an essential need for a worker to be accommodated on the holding. A functional test is therefore undertaken in order to ascertain whether it is essential for the proper functioning of the enterprise for the worker to be readily available at most times, for example if he/she is needed to be on hand day and night. In assessing this, it is necessary to take into account whether the problems/emergencies are likely to occur during normal working hours (even if these hours are long). If this is the case, emergencies/problems can be dealt with as part of the day to day routine and this does not call for a worker to live on site.

This section is considered alongside criteria (iv) relating to whether the functional need, if indeed there is one, could be fulfilled by another existing dwelling either on the unit or in the area, which is suitable and available as it is considered that the two criteria are closely related.

Kernon, as agricultural specialists have also made an assessment on this element of the application and the proposal to expand the business to include 70-80 alpaca birthing annually, 9 suckler cows calving and 16 goats kidding. In the supplementary information submitted with the application, the applicant has set out the tasks/events which he considers results in a need to live on site. It is considered that there are many tasks that can be undertaken during a normal working day such as daily routine checks of the livestock, alpaca mating process, worming, feeding and tending to the bee hives (particularly as half are off site). However there are other elements of the business, relating to birthing that require more careful consideration.

The combination of the numbers of alpaca, cattle and goats due to birth amount to a significant number from April to December. Kernon are therefore of the opinion that a worker would need to reside on or near the site, particularly in view of the traits of the alpaca, which do not give off signs that they are shortly due to birth, nor do they

birth close to the anticipated due date, as would be the case in sheep and cows. As such, the birthing period is much more difficult to condense to a shorter period, as would be possible in the case of sheep. Kernon have stated that whilst the cattle and goats alone would not require a worker to reside on site, it is the nature and level of alpaca that warrants an on-site presence. On this basis, Kernon conclude that the enterprises in combination will warrant a worker living on site.

The labour calculation has been challenged by objectors and evidence from the alpaca breeders website has been put forward to indicate that alpaca need little care and supervision. Whilst the advice set out in the Planning Inspectorate Case Law and Practice Guide 7 that “the special care needs of alpaca should be treated with caution” is acknowledged, a camelid vet, as a specialist in that field, clearly sets out how alpaca are much more labour intensive than many types of livestock and consequently require a great deal of supervision. Furthermore, it is important to consider that in this instance, the proposed herd would be in the region of 70-80 breeding females and consequently, this sheer number requires a significant amount of supervision. It is fundamental to note also that a number of appeals have been allowed for agricultural worker’s accommodation on site for a significantly fewer number of alpacas than this and there is evidence of appeals being successful where there were as little as 14 alpaca; 8 female alpaca with a proposed expansion to 25-30; and 11 alpaca with a planned expansion to 18.

It is acknowledged that a large proportion of dwellings in the vicinity would be beyond the affordability of an agricultural worker. Whilst there are more affordable dwellings in nearby villages, it is acknowledged that these are not close at hand. In view of the numbers of birthing alpaca and the nature of the alpaca showing limited signs that they are about to give birth, it is acknowledged that additional checks would be required, that would not be the case for this amount of some other livestock, sheep, for example. As such, in these particular circumstances, it is considered that the functional need could not be met by living in a nearby village.

### iii) Proposed enterprise planned on a sound financial basis

Kernon were also asked to consider the financial aspect of the planning application. Concerns have been raised by objectors regarding the figures that the alpaca are advertised at on the applicant’s website and whether these figures are realistic. Notwithstanding this, it is important to note that the figures used in the budgets are in fact significantly less than those shown on the applicant’s website. Kernon have stated that the figures used within the business plan would be representative of the current state of the industry, which has weakened in the last few years, although they acknowledge that this is a marked difference from the prices paid at auction. They have also commented that from experience and studying average sales prices from Alpaca Seller UK, it would appear that the applicant picked up a number of bargains at the auction. Furthermore, Kernon commented that whilst the figures quoted for stud fees were slightly above average, these were not unreasonable. As such, Kernon deemed the level of sales and sales/stud figures used in the business plan, along with the variable costs to be reasonable. It was also pointed out that the profit generated by the enterprise arose from actual sales, rather than increase in stock value. Taking the above into account, along with the projected profit once the business has been expanded, Kernon concluded that they were satisfied that the financial documents submitted demonstrated that the enterprise is financially sustainable.

Concerns have been raised that the agricultural consultant did not visit the site and this is acknowledged. However, this application is for temporary permission to enable the applicant to establish a business. The business does not have to be fully established at the time of the application, the criteria that must be met at this stage relates to whether the business is planned on a sound financial basis and it is not unusual for this type of assessment to be undertaken as a desk-based assessment. As such, it was not considered essential for the agricultural specialist to visit the site in this instance.

ii) Other planning requirements satisfied

A number of concerns have been raised regarding the agricultural building. As this element has now been removed from the scheme and has in fact been constructed in the position approved under the previous application, no weight is attached to any comments relating to this structure.

Concern has been raised as to whether or not the traditional stone building was previously present. From the perspective of the local planning authority, it is clear that there was something there by the evidence of old stonework and the outline shown on GIS maps, although they could not categorically say whether a building was present. As such, the description has been amended to formation/renovation of traditional stone barn, which is considered a more appropriate description based on the above. Notwithstanding whether or not the building was previously present, the matter for consideration is whether or not the resulting building now present is acceptable in planning terms. The building is a small stone barn of traditional style, typical of historic barns in rural areas. Whilst it is regrettable that the roof sheets are not of the same length, the overall appearance of the building is not considered unacceptable. It is also important to note that the building is well screened from the road to the south by mature trees. It is acknowledged that the building is visible from the road to the north, however it is viewed against the backdrop of the established trees and is nominal in size. As such, it does not appear prominent from public viewpoint and is not deemed to cause excessive harm to the landscape.

Concern is raised that this traditional stone barn is within 200 metres of Montgomery House when the GPDO states it should be 400 metres. It appears that there has been some confusion as the GPDO refers to whether or not planning permission is required, rather than whether or not it should be approved. The building is included within the planning application and therefore consent has been sought. It is considered that the building is a sufficient distance from the nearest residential property to avoid an unacceptable impact upon the residential amenities of the occupiers of that property. Concern has also been raised that the building has not been finished as set out on the plans, with no wooden gables or doors. It is important to note that the works carried out so far appear to be in accordance with the plans submitted. There is no time restriction for when the works must be completed by and therefore the applicant could add the cladding at any point in the future.

The siting of the mobile home, as amended, is closely related to the recently built agricultural building. The building will therefore act to screen the mobile home from public viewpoint from the road to the east. The SSSI also serves to screen the mobile home from views further along this road from the north. It is acknowledged that there would be some views of the mobile home from this road, the structure

would however be closely related to the agricultural building and would therefore be viewed alongside it, rather than in isolation. In addition, it is a low structure that would be viewed against the backdrop of the well established mature trees and would not break the skyline. Furthermore, additional planting is proposed as part of the retrospective application for the revised design of the agricultural building, which would help further integrate the proposal into the surrounding countryside and this was conditioned accordingly under application 29/13/0008.

Whilst the mobile home would be screened from the main road to the south by the mature trees, it is acknowledged that there would be some views through the vegetation from the public footpath, increased in winter months when vegetation is sparse. It is acknowledged that the mobile home does have an impact upon the landscape, as do the majority of agricultural buildings/structures within the countryside to a certain extent. A number of objectors have stated that they do not wish to see any development on this site and it should be returned to the previously undeveloped pasture land. It is acknowledged that the land did appear very different in the past. However, it is important to note that a great deal of the impact upon the landscape and Blackdown Hills Area of Outstanding Natural Beauty of this site is attributable to the agricultural building and the access track already present, both of which have already been granted consent. It is acknowledged that these are currently subject to a retrospective application to regularise the design as built, but nonetheless the principle has already been established. The use of excessive fencing has also increased the visual impact of this site, however it is important to note that fencing, subject to meeting the relevant height criteria can generally be undertaken under permitted development rights, without the need for planning permission. It is not therefore considered that the presence of the mobile home, in addition to the buildings and tracks that have already been permitted, would further change the character of the landscape and the Blackdown Hills AONB to such an unacceptable level that would warrant refusal.

It is acknowledged that the scheme will have an impact on the SSSI, which is far from ideal. However, the Nature Conservation Officer, as a specialist in that field, is not of the opinion that the concerns are sufficient to warrant a refusal of planning permission. Furthermore, Natural England, despite being given extended deadlines, have not submitted any comments on the application. It is however understood that there are other regulations that the applicant would need to comply with in respect of the SSSI, that are not planning matters and it would be necessary for the applicant to address these independently of the planning application.

A great deal of concern has been raised regarding overgrazing, stocking densities and animal welfare. These are however not planning matters, but are down to the management of the farmer. Part of that management in this instance, is seeking alternative grazing elsewhere to supplement the owned land. Overstocking and the impact this may have on the quality of surface water may be governed by alternative regulations but this is not a planning matter. It would be the owner's responsibility to ensure that, in determining the level of livestock on the land, he is adhering to other relevant regulations. From a planning point of view, provided the land is used for agricultural purposes, the applicant can keep as many animals on the land as he wishes. Similarly, it is noted that cattle deaths, some associated with Red Water Disease have been experienced on the land and the land is also within a TB area. Nonetheless, it is agricultural land and limited weight can be attributed to these issues.

Concern has also been raised that the agricultural consultant did not comment on the impact of this development on the management of the SSSI or AONB. It is however important to point out that the agricultural consultant, as a specialist in agriculture, was commissioned to undertake an assessment on the agricultural enterprise, there are other bodies/individuals with their own specialisms that have been consulted on these matters.

It is important to note that the access and track was granted as part of the original application for the agricultural building and the principle was therefore established at that stage. The access and track was however not built in accordance with the approved plans and the revised design, as built, has now been approved under the retrospective application for the revised design of the agricultural building.

The County Highways Authority is of the opinion that the access is acceptable and the proposals would not result in a material increase in traffic generation. Following these comments a further visit has been made to the site and it was confirmed by the County Highways Authority that the concrete apron appeared adequate for most vehicle movements in and out of the farm, the gates were well set back, suitable visibility splays have been formed and the pipe forming the culvert under the access is of appropriate dimension to carry the water flowing along the ditch on the access side of the lane and that runoff appears to make its way satisfactorily into the private ditches either side, not onto the highway. As such, the access is considered adequate.

The mobile home is located over 190 metres from the nearest dwelling. Whilst it is acknowledged that the introduction of the buildings and mobile home has changed the outlook from the property, it is considered a sufficient distance to avoid a loss of privacy that would result in an adverse impact upon the amenities of neighbouring properties. Concerns are also raised regarding the noise, traffic, smell and pollution of the site. It is important to note that the land is agricultural land and therefore agricultural activities, including the use of the site for the cows, alpaca, goats and bees and the associated movement of agricultural machinery can take place without the need for any planning permission. In terms of agricultural machinery using the lane, unless there are highways restrictions regarding weight for example, the type of vehicles that use rural lanes are not governed. Agriculture and farming takes place within the countryside and it is therefore the norm for agricultural machinery to use country lanes to access farms and fields. The associated mud on the roads that can occur as a result of this is not a planning matter. As such, objections raised, which are directly associated with the agricultural use of the land and use of agricultural machinery cannot be attributed significant weight.

Concerns have been raised regarding the state of the land during last winter and the excessive mud and poaching. The weather last winter was incredibly challenging for the vast majority of farmers. A great deal of farmers would have found themselves in a similarly difficult position as the ground was so wet and stock struggled with muddy conditions and lack of grass. Concern is also raised as to whether this is an appropriate form of farming within the AONB. As stated above, provided the activity carried out on the land falls within an agricultural use, any nature of farming can be undertaken on this site, without any form of planning permission being required. As such, the land could be utilised in this way, regardless of the application now in front of us.

It is noted that the mobile home now present on site differs from that shown in the plans submitted, following the fire, however it is important to note that such applications for temporary mobile homes can be dealt with on the basis that if granted, the structure on site would need to fall within the definition of a caravan under the Caravan Sites and Control of Development Act 1960. As such, the applicant can site a mobile home of his choice in terms of size and design, provided it falls within the above definition. As such, it is not considered essential for plans to be submitted of the precise mobile home.

The receipt of the New Homes Bonus is noted, however, it is considered that this matter carries very limited weight in this case.

Wessex Water in commenting on the application stated that robust procedures should be put in place and an objector also raised concern regarding contamination of the sensitive water supply catchment. It is however important to note that this is agricultural land and therefore agricultural activities can take place without the need for any planning consent. The matter of the prevention of contamination is considered to be a legal matter, which would be governed by other regulations outside of the planning system. In addition, it is noted that Wessex Water may have several covenants on the land, which are not being complied with. However, covenants are also not a planning matter, but a legal issue. The application in front of members is for planning permission and therefore only planning matters can be taken into account. Where there are other legal issues that need to be addressed, it would be necessary for the applicant to address these independently of the planning application.

### Conclusion

Whilst it is noted that the development of a farmstead in this location has had an impact upon the Blackdown Hills Area of Outstanding Natural Beauty, it is important to note that a large proportion of this impact is as a result of the agricultural building, tracks and fences, which have already been granted planning permission and are therefore established structures or can be carried out under permitted development, without the need for planning consent. Kernon Countryside Consultants, as specialists in that field, have assessed the application and consider that there is a functional need for an agricultural worker to live on site and that the planned agricultural business is financially sustainable. On this basis, the principle of a mobile home on the site to provide a rural worker's accommodation is acceptable. Although the mobile home, as sited in the amended position, along with the formation/renovation of the traditional stone barn will have an impact on the landscape, this is not deemed to result in such a significant increased adverse impact upon the Blackdown Hills Area of Outstanding Natural Beauty, the adjacent SSSI or the amenities of neighbouring properties, beyond that of the situation that has already been granted consent and that which could be carried out without any need for planning permission, that would warrant grounds for refusal.

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

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





38/13/0438

TAUNTON DEANE BOROUGH COUNCIL

**ERECTION OF 4 No TWO BEDROOMED DWELLINGS AND 1 No GARAGE ON LAND AT BACON DRIVE, TAUNTON (RESUBMISSION OF 38/13/0370)**

Location: LAND AT BACON DRIVE, TAUNTON

Grid Reference: 324552.124111

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to no further comments raising new issues by 16 December the Growth & Development Manager be authorised to determine in consultation with the Chair/Vice Chair

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

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

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

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

(A4) DrNo 3237/003 Rev A Location Plan  
(A3) DrNo3237/008 Rev A Proposed Floor Plans  
(A3) DrNo 3237/011 Proposed Garage  
(A3) DrNo 3237/010 Rev A Site and Roof Plan  
(A3) DrNo 3237/007 Rev G Site Layout  
(A3) DrNo 3237/006 Rev B Proposed Elevations  
(A1) DrNo 13.220/005 Rev B Drainage Strategy  
(A1) Digital Survey Plan

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

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

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

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

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

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

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

6. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

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

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

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

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

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

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

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

Reason: To protect breeding birds.

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

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

11. Details of the means of disposal of surface water from the site shall be submitted to and approved in writing prior to the commencement of the

development and thereafter carried out as agreed.

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

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Taunton Deane Area at The Highways Depot, Burton Place, Taunton; Tel No 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

## **PROPOSAL**

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

## **SITE DESCRIPTION AND HISTORY**

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

A previous similar scheme (38/13/0370) was recently withdrawn to issues with the highway.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The site is situated within an existing residential area, in a location where there is pedestrian footway and street lighting present. Bacon Drive, essentially a residential cul-de-sac and is subject to a 30mph speed limit and is designated as an unclassified highway.

It was noted from on site observations that vehicle speeds are likely to be lower than the allocation limit due to numerous vehicles parked on the adopted highway in this location.

Vehicular access is to be provided in the form of vehicle parking bays in a 'communal' arrangement. It is considered that adequate vehicular visibility for vehicles emerging onto Bacon Drive, specifically, at the north of the site can be achieved. This is a location where MfS (Manual for Streets) guidance is considered appropriate, given the likely level of vehicle speeds and movements in this location.

The formation of this parking arrangement would require that dropped kerbing would need to be installed. It should be noted that a Section 184 licence would need to be obtained from the Area Highway Service Manager for the Taunton Deane Area, who is contactable on Tel: 08453 459155.

With regards to vehicle movements/traffic generation, TRICS (Trip Rate Information Computer Systems) estimates that vehicle movements for a single residential unit are approximately 6-8 movement per day.

Therefore, the proposed development is likely to generate approximately 24-32 vehicle movements per day, which would result in approximately a maximum of 2.312 vehicle movements within the peak hour. It is considered that whilst that development will result in an increase in vehicle movements to the surrounding highway network, Bacon Drive can accommodate the proposal.

Drawing No. 3237/010, details the proposed parking arrangements for the development site. Taunton has been identified as a 'Zone A' for vehicle parking provision. Drawing No. 3237/008, indicates that the proposed dwellings are to be provided with two bedrooms per unit which would result in the provision one space per dwelling, which is acceptable as it is commensurate with the Somerset County Council - Parking Strategy.

It is noted that five additional vehicle parking spaces have been provided. The proposal will see the demolition of 6 existing garages, to which it is considered that the provision of five parking spaces (one a garage) is acceptable. It is noted that there will be a loss of one space. However, it is not considered that this would result in a detrimental effect on the existing highway network in this location.

In addition, as part of the newly adopted Parking Strategy, new residential dwellings need to provide a minimum of one cycle space/storage facility per bedroom. These are based on dimensions of 2m x 1m or show provision within the site to allow the occupiers of the proposed dwellings to use alternative sustainable modes of transportation, this has been shown on the submitted drawing 3237/010.

As a result, in the event of permission being granted, I would recommend that the following conditions are imposed:-

The accesses hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the accesses.

The area allocated for parking on the submitted plan, drawing number 3237/010, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the

development hereby permitted.

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

*BIODIVERSITY* - See previous comments - The application is for the erection of 4 two bed roomed dwellings and one garage on land at Bacon Drive, Taunton. The site consists of approx 1300m<sup>2</sup> of amenity grassland with six mature and semi mature trees and approximately 520m<sup>2</sup> of tarmac path, road and a row of six brick built garages. The development will result in the felling of the majority of trees and the demolition of the existing garages.

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

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

Bats - The surveyor found no evidence of bats on site.

Birds - The trees on site have potential to support nesting birds. I agree that all clearance work should be carried out outside of the bird nesting season. I support the recommendation to erect bird boxes on site

Reptiles - The grassland is closely mown so there is no cover for reptiles or amphibians.

Recommends condition for protected species.

*WESSEX WATER* - New water supply and waste water connections will be required. Wessex Water are responsible for formerly private sewers and an appropriate survey should be carried out and the applicant should contact the sewer protection team for advice.

*DRAINAGE ENGINEER* -

## **Representations**

1 letter raising NO COMMENTS.

*At the time of the report no additional comments had been received. However on the previous scheme that was the same design and had been withdrawn there were the following comments*

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

27 OBJECTIONS raising issues of

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

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

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

### 6 Year Payment

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

## **DETERMINING ISSUES AND CONSIDERATIONS**



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

The proposed dwellings are two pairs of semis, one adjacent to the gable end of number 23 and one pair to the rear of numbers 23 and 25. The properties would have two bedrooms and finished in render and brick with a tiled roof. They would have exterior bin and cycle storage in the gardens. While they have relatively short gardens of 6 or 7m they have over 30m window to window distances from the rear of the properties and over 24m at the front which is adequate to safeguard privacy. Similarly there is around 15m to the end of gardens opposite plots 3 and 4 and this is considered sufficient not to cause any undue overlooking of amenity space. The design has no windows in the gables and there will be no loss of amenity or privacy to gardens as a result. There will be a degree of overshadowing of gardens of numbers 23 and 25 from plots 3 and 4 however there is 14m from the rear of these properties to the new gable end and this is not considered so severe to be overbearing and a reason for refusal. An assessment in terms of the impact on number 21 has also been carried out to demonstrate there will be no undue shadowing issue to the front of this bungalow.

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

The site does not lie within a flood risk zone and the proposed drainage scheme indicates disposal to existing surface water network after attenuation of surface water flows. The Council's Drainage Officer considers the existing surface water sewers in the vicinity should be utilised. In order to suitably address this issue a condition in respect of surface water disposal is proposed. Foul water will be disposed off through Wessex Water systems.

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

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

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

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

**APPEALS RECEIVED FOR COMMITTEE AGENDA – 11 DECEMBER 2013**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/A/13/2208060	CHANGE OF USE AND CONVERSION OF AGRICULTURAL BARN TO RESIDENTIAL DWELLING AT WILSCOMBE BARN, LITTLE WILSCOMBE FARM, RADDINGTON, WIVELISCOMBE	09/13/0011

## Planning Committee – 11 December 2013

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

Officers: - Matthew Bale (West Area Co-ordinator), Bryn Kitching (Development Management Lead), John Burton (Major Applications Co-ordinator), Julie Moore (Major Applications Co-ordinator), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor), and Tracey Meadows (Corporate Support Officer)

Also present: Councillor Stone for application No 24/13/0048.  
Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### 144. Apologies/Substitution

Apologies: Councillors Miss James, Tooze and Watson

Substitution: Councillor Mrs Reed for Councillor Watson

### 145. Minutes

The minutes of the meeting of the Planning Committee held on the 27 November 2013, were taken and read and were signed.

### 146. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Bishop declared that he had attended an Oake Parish Council meeting where application No 27/13/0017 was discussed. He felt that he had not 'fettered' his discretion. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. She also declared a personal interest in application No 27/13/0017 as she had used the Cattery. Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Wren declared a personal interest as an employee of Natural England.

### 147. 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:-

**25/13/0028**

**Erection of single storey rear extension at Shippon Barn, Norton Fitzwarren (amended scheme to 25/13/0016)**

**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 01 Elevation and Block Plan;
  - (A3) DrNo 02 Floor Plans;
  - (A4) Location Plan;
  - (A4) existing Side Elevations;
- (c) The first floor Juliet balcony railing shall hereafter be retained as such;
- (d) The materials to be used in the construction of the external surfaces of the building unless otherwise agreed in writing with the Local Planning Authority.

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

**29/12/0015**

**Change of use of land to site a temporary agricultural workers mobile home with hardstanding and associated works and renovation/formation of traditional stone barn at Feltham Park Farm, Corfe (part retention of works already undertaken, resubmission of 29/12/0004) (as amended)**

**Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 211/L1G Location Plan received 31 January 2013;
  - (A3) DrNo 211/L2P Site Layout;
  - (A3) DrNo 211/G4 Details Refurbished Existing Barn;
- (b) (i) Within one month of the date of the decision, a landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the

completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (c) The occupation of the mobile home shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants;
- (d) The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 31 December 2015.

(Note to applicant: - Applicant was advised to take the following matters into account:- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and proactive way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Soakaways should be constructed in accordance with British Research Digest 365 (September 1991); (iii) The arrangements for foul water disposal allow for discharge from a private treatment plant. This will require discharge consent granted through the Environment Agency; (iv) As the proposal includes the use of a non-mains foul drainage system, the builder/developer should consult the literature prepared by the Construction Industry Research and Information Association (CIRIA) regarding on-site sewage disposal and septic tank systems. The relevant leaflets can be found on the CIRIA website. Alternatively advice can be obtained from the Environment Agency on foul drainage systems; (v) The proposed gating of the Public Right of Way to the south of the site is not within the red or blue line area and permission to alter the furniture on it would require permission from the landowner and Somerset County Council; (vi) The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches. Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers". It is recommended that any animal/equine waste is taken to a sealed system. There must be no release of liquid waste to controlled waters. Storage should be no closer than 10m of any surface water or 50m from any water supply sources; (vii) The applicant should be aware that the permission for a mobile home relates to a structure that falls within the definition of a caravan under the Caravan Sites and Control Of Development Act 1960. As such, the applicant can site a mobile home of his choice in terms of size and design, provided it falls within the above definition.)

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

**24/13/0048**

**Outline application with all matters reserved for a residential development for 20 dwellings and associated public open space and allotments at land to the north west of Overlands, North Curry (amended scheme to 24/13/0032)**

### **Reasons**

- (1) The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and is therefore considered to be contrary to Policies CP8, SP1 and DM2 of the Taunton Deane Core Strategy.

The Council's Preferred Options as part of its Site Allocations and Development Management Plan are still out at public consultation. A number of sites have been promoted as being available for development and, as the overall rural housing target has been met there is no immediate need to bring sites forward in advance of the Plan led system. Rather, approving this application in advance of the plan process could result in development of a less sustainable site than would otherwise occur thus resulting in adverse impacts significantly outweighing the benefits, contrary to Policy SD1 of the Core Strategy.

- (2) The proposal does not provide a suitable means for securing the appropriate affordable housing, community/leisure facilities, maintenance of on site facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan or education contributions and therefore would be contrary to Policies CP4, CP5, CP6 and CP7 of the Taunton Deane Core Strategy, and retained Policy C4 of the Taunton Deane Local Plan.
- (3) The applicant cannot demonstrate that there would be a legal and achievable link from the proposed development through either Canterbury Drive or Nine Acre Lane, and in the absence of this, the site remains remote from the village facilities, increasing the likelihood of car usage, making the site unsustainable, and therefore contrary to the National Planning Policy Framework and objective 1 and 6 and Policies SD1, CP6, CP8, SP1 and SP4 of the Taunton Deane Adopted Core Strategy.
- (4) In accordance with the National Playing Fields Association standards for play provision to meet the needs of the development, a children's play area should exist no further than 400 m away from the development. The existing parish play area and the shortest walking route to it as proposed by this development would greatly exceed this standard. On this basis the site should provide a Locally Equipped Area for Play (LEAP) of at least 400 sq. m. The application makes no such on-site provision for children's play. Therefore, the proposal is contrary to retained Local Plan Policy C4, which seeks the provision for play and active recreation for the future residents on development schemes.

(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 looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

**27/13/0017**

**Change of use of agricultural land with erection of buildings to form Boarding Kennels and isolation unit, with replacement access and driveway at Fiveoak Boarding, Hillfarrance, Oake**

### **Reason**

It has not been satisfactory demonstrated that the proposed development will not give rise to noise disturbance to nearby residential properties , to the detriment of their amenity, contrary to Policy DM1.

**148. Erection of 4 No two bedroomed dwellings and 1 No garage on Land at Bacon Drive, Taunton (resubmission of 38/13/0370) (38/13/0438)**

Reported this application.

**Resolved** that subject to the receipt of no further representations raising new issues by 16 December 2013, the Growth and Development Manger be authorised to determine the application in consultation with the Chairman/Vice Chairman and, if planning permission was granted, the following conditions be imposed:-

### **Conditions**

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

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

- (A4) DrNo 3237/003 Rev A Location Plan
- (A3) DrNo 3237/008 Rev a Proposed Floor Plans
- (A3) DrNo 3237/011 Proposed Garage
- (A3) DrNo 3237/010 Rev A Site and Roof Plan
- (A3) DrNo 3237/007 Rev G Site Layout
- (A3) DrNo 3237/006 rev B Proposed Elevations
- (A1) DrNo 13.220/005 Rev B Drainage Strategy
- (A1) DrNo Digital Survey Plan

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



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

- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (f) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activity whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
- (g) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (h) Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works shall be hand dug and no roots larger than 200mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery;
- (i) The applicant shall undertake all the recommendations made in Green Ecology's Preliminary Ecological Appraisal report dated June 2013 and

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

- (j) The development shall provide for bin and cycle storage facilities, details of which shall be submitted to, and agreed in writing by, the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (k) Details of the means of disposal of surface water from the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development and thereafter carried out as agreed.

(Notes to applicant:- Applicant was advised to take the following matters into account:- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and proactive way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant was advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Taunton Deane Area. Application for such a permit should be made at least four weeks before access works are intended to commence.)

#### **149. Appeals**

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

#### **150. Exclusion of the Press and Public**

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

#### **151. Schedule of Alleged Contraventions up to 30 September 2013**

Reported details of the Schedule of Alleged Contraventions for the second quarter of 2013/2014. The Schedule provided details of the following information:-

- (1) Cases that were under investigation at the end of Quarter 2 (July, August, September) 2013;
- (2) Cases that were closed during Quarter 2 (July, August, September) 2013;
- (3) Cases where formal enforcement action had been authorised with an update to the current situation as at the end of Quarter 2 (July, August, September) 2013.

**Resolved** that the report be noted.

(The meeting ended at 9.00 pm.)