

Planning Committee

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 26 November 2014 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 15 October and 5 November 2014 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 43/14/0104LB Change of use of ground floor only from A1 (retail) to A3/A5 (restaurant/take away) with installation of kitchen, extractor unit and serving area at 20 Mantle Street, Wellington
- 6 43/14/0103 Change of use of ground floor only from A1 (retail) to A3/A5 (restaurant/takeaway) with installation of kitchen, extractor unit and serving area at 20 Mantle Street, Wellington
- 7 27/14/0010 Erection of two storey extension to link farm house, swimming pool building and barn and conversion works to provide holiday accommodation with ancillary facilities at Allerford Farm, Norton Fitzwarren, Oake (amended description)
- 8 48/13/0008 Miscellaneous Report
- 9 Planning Appeals - The latest appeals and decisions received (attached)

Bruce Lang
Assistant Chief Executive

02 December 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



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

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: enquiries@tauntondeane.gov.uk

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

Planning Committee – 15 October 2014

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

Officers: - John Burton (Major Applications Co-Ordinator), Matthew Bale
(Development Management Lead), Tim Burton (Director Planning and
Development), Roy Pinney (Legal Services Manager), Maria Casey
(Planning and Litigation Solicitor) and Tracey Meadows (Corporate
Support Officer)

Also present: Councillor Cavill in connection with application No 46/14/0028;
Councillor Hall in connection with application No 38/14/0309;
Ian Timms and David Evans in connection with application No
46/14/0028 and Mrs A Elder, a Co-opted Member of the Standards
Committee.

(The meeting commenced at 5.00 pm)

98. Apologies/Substitutions

Apologies : Councillors Bishop, Bowrah and Miss James

Substitutions : Councillor Denington for Councillor Bishop and Councillor
Ms Webber for Councillor Bowrah

99. Minutes

The minutes of the Planning Committee meeting held on the 24 September
2014 were taken as read and were signed.

100. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal
interests as Members of Somerset County Council. Councillor A Wedderkopp
also declared that application No 38/14/0309 was in his ward. He declared
that he had not “fettered his discretion”. Councillor Nottrodt declared a
personal interest as a Director of Southwest One. Councillor Gaines declared
that he had attended a public meeting where application No 09/14/0016 had
been discussed. He declared that he would not take part in the discussion of
this urgent update report. Councillor Wren declared a personal interest as he
was Clerk to Milverton Parish Council. He also declared that he had had
correspondence in connection with application Nos 27/14/0019 and
46/14/0028 and declared that he had not “fettered his discretion”.

101. Applications for Planning Permission

The Committee received the report of the Development Management Lead 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 development:-

46/14/0028

Change of use of land from horticulture to storage of scaffolding poles and related materials, erection of an office/workshop building and variation of condition No. 8 of planning application 46/93/0004 to allow occupation of agricultural workers dwelling by persons connected with scaffolding business at Oaklee Cottage, Haywards Lane, West Buckland

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A3) DrNo 2113-PL-01 Area & Location Plan;
 - (A2) DrNo 2113-PL-02 Roof/Block Plan;
 - (A3) DrNo 2113-PL-03 Proposed Elevations & Floor Plan;
 - (A3) DrNo 2113-PP-04 Cross Sections;
- (b) The occupation of the dwelling known as Oaklee Cottage shall be limited to a person or persons connected with the scaffolding business hereby approved only, or by a person solely or mainly working, or last working in the locality in agriculture, as defined in section 336(1) of the Town and Country Planning Act 1990, or in forestry, or a dependent of such a person residing with him or her, or widow or widower of such a person;
- (c) Before any of the uses hereby approved are begun or operated, a Travel Plan Statement shall have been submitted to, and approved by the Local Planning Authority;
- (d) The training use and the building which is proposed to provide for that use, shall be entirely ancillary to the scaffolding business, and shall not be used by any other business or organisation unless the express consent of the Local Planning Authority has first been obtained;
- (e) No development shall take place until details of the materials to be used in the construction of the external surfaces of the new office and workshop building hereby approved 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;

- (f) No external lighting shall be placed or used at the site unless details of the external lighting have first been submitted to, and approved by the Local Planning Authority. Any such lighting scheme that may be approved shall be implemented in strict accordance with the approved details and thereafter maintained as such;

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had granted planning permission; (ii) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (iii) Applicant was advised that his approval does not give consent for any form of advertisement at the site. Advertisements are considered under the Town and Country Planning (Control of advertisements) (England) Regulations 2007 and the applicant is hereby advised to take his own independent advice on whether any proposed advertisement may need authorisation under these Regulations. Failure to obtain any necessary authorisation for an advertisement would constitute a breach of planning control and render the owner of the site liable to enforcement action.)

Reason for granting permission contrary to the recommendation of the Area Planning Manager:-

Members were of the view that the specific nature of the site, the nature of the proposed use and fact that the business had demonstrated that it had not been able identify any suitable alternative sites after a protracted period of time meant that permission should be granted as the resulting economic benefit arising from accommodating the business was sufficient to outweigh the conflict with the development plan. The proposal would also bring an otherwise empty dwelling back into use.

38/14/0309

Formation of retaining walls to off-street parking bay at 28 Wilton Street, Taunton

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A3) DrNo Y21/1 Existing Frontage;
 - (A3) DrNo Y21/2B Proposed Front Access Layout;
 - (A3) DrNo Y21/3A Location Plan and Block Plan;
- (b) (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;

- (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.

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

27/14/0019

Change of use of agricultural land and erection of 10 No. dog boarding kennels and 1 No. isolation kennel at Fiveoak Cattery, Higher Knapp Farm, Hillfarrance

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A0) Drawing A (rev 06.10.2014) Plans and Elevations;
 - (A4) Drawing B (rev 13.10.2014) Location Plan;
- (c) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (d) Prior to the kennels being brought into use, the acoustic fence 'noise barrier' detailed on the location plan (drawing B, revised 13 October 2014) shall be erected in accordance with the details in the applicant's email of 15 September 2014 (section 2) and shall thereafter be maintained as such;
- (e) Prior to the kennels being brought into use a hay/haylage stack shall be constructed in the location indicated on the Location Plan, Drawing B dated 13 October 2014. The hay/haylage shall be stacked in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority and shall measure 7m high by at least 3m wide and across the entire length of the area indicated for that purpose on the said plan. It shall physically adjoin the noise barrier indicated in blue on that plan and required by condition. The hay/haylage stack shall be maintained in the above condition for the duration of time that the kennels are in use. In the event that the hay/haylage stack is not maintained as required by this condition, then the use of the kennels shall cease immediately;
- (f) The kennels hereby permitted shall not be brought into use until the new access permitted under application 27/14/0002 has been fully provided in accordance with that permission and brought into use;
- (g) Prior to the kennels being brought into use, the kennels shall be constructed in full accordance with the assumptions (1-5) on page 6 of the 'Noise Assessment Report for Proposed New Kennels' prepared by Curload Consultants reference 1149 and dated January 2014 and detailed on Drawing A received 06 October 2014 and shall thereafter be maintained as such;
- (h) 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 and shall thereafter be maintained as such;
- (i) 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;
- (j) The existing hedge to the north-east of the proposed noise barrier shall be laid within six months of the date of this permission and shall then be allowed to grow up to the height of the acoustic fence/noise barrier required by condition (d), and shall be maintained in accordance with condition (c) of this planning permission. Thereafter the hedge shall be maintained at a height in excess of the noise barrier;

(Notes to applicant:- (i) Applicant was advised that in accordance with the paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had

negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised that care should be taken when installing the acoustic fence to ensure that the adjoining hedge is not damaged so that it can effectively regrow to screen the fence without intervention in accordance with condition (c)).

102. Urgent update Report - Erection of Telecommunications Base Station, comprising 1 No. mast, 6 No. Antennas 2 No. dishes and 6 No. radio equipment cabinets at land east of Bouchers Lane, Waterrow (09/14/0016)

An application for the erection of a telecommunications base station, including a 20m high mast, was presented to Members at the previous meeting (Minute No 95/2014 refers). The site was land to the east of Bouchers Lane, Waterrow and the application had been unanimously approved by the Committee.

Part of the evidence Members were asked to consider was whether or not the proposed mast would have any impact upon the property known as "Bobshaws" which lay adjacent to the proposed mast.

There was a difference of opinion at the meeting on the distance involved from the mast to the new dwelling currently under construction. The owner of the adjacent agricultural holding had maintained in his letter of representation that "the mast would be within 20m of the property's curtilage and 70m from the dwelling". This was referenced both in the Committee report and verbally at the meeting. The Planning Officer stated in the Committee update sheet that "the nearest point of the side of the approved but unbuilt dwelling at "Bobshaws" to the nearest part of the lattice phone mast structure would be 170m". This was also referenced verbally by the Planning Officer at the meeting. It was now clear that none of the figures given to Members were accurate.

Further examination of this matter had revealed that the nearest point of the side of the approved unbuilt accommodation at 'Bobshaws' to the centre point of the lattice phone mast construction would be 147.5m. An error had been made when the measurement was taken and officers had apologised for this. The mast would therefore be about 20m nearer to the dwelling at 'Bobshaws' than reported.

Given that incorrect information was given at the meeting, Members were asked if they would have made a different decision on the mast had they been in possession of this accurate measurement.

The report detailed a number of considerations the Committee needed to take account of.

In the view of the Area Planning Manager the substantive issue for consideration was whether in the knowledge that the mast was only a little over 145m from the neighbouring dwelling under construction, rather than the previously advised 170m, would the Committee have come to a different conclusion in terms of the impact upon that property that would have led to a different decision on the application.

Resolved that the change on the reported distance of the telecommunications mast from 'Bobshaws' be noted and that, having regard to the relevant considerations, the decision of the Planning Committee made at the meeting held on 24 September 2014 be endorsed.

103. Appeals

Reported that one appeal was received details of which were submitted.

Resolved that the reports be noted.

(The meeting ended at 8.50 p.m.)

Planning Committee – 5 November 2014

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

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

Also present: Councillor Hall in connection with application Nos 38/14/0246 and 38/14/0247LB and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

104. Apologies/Substitutions

Apologies : Councillors Bishop, Tooze and Watson

Substitution : Councillor Janet Reed for Councillor Watson

105. Public Question Time

A statement was read by Mr Lucas who was a resident on Haywards Lane, West Buckland. Mr Lucas stated that he had attended the Planning Meeting on 15 October 2014 where application No 46/14/0028 was discussed. Mr Lucas stated that he was surprised how little time had been given to the Planning Officer's report except for the agricultural tie on the house.

Mr Lucas stated that in passing this application the Council would have difficulty in refusing other applications. He went on to say that the same problem would arise as with the Foxmoor Business Park, only this time there would not be an exit onto the Motorway approach road as a solution.

The Chairman thanked Mr Lucas for his views.

106. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor A Wedderkopp also declared that he had visited the site for application Nos 38/14/0246 and 38/14/0247LB but felt that he had not "fettered his discretion". He also declared that application No. 42/14/0047 was discussed at Trull Parish Council. Again he felt that he had "not fettered his discretion". Councillor Nottrodt declared a personal interest as a Director of Southwest One.

Councillor Gaines declared that he was the applicant for applicant No 49/14/0057. He declared a prejudicial interest and stated that he would not take part or vote in the discussion of this application. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillors Bowrah and Mrs Reed declared that the applicant for application No 43/14/0101 was known to them but felt that they had “not fettered their discretion”.

107. Applications for Planning Permission

The Committee received the report of the Area Planning 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:-

43/14/0101

Erection of 1 No. detached dwelling in the garden to the side of 9 Oldway Park, Wellington

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A3) DrNo Z18/3 Site Plan;
 - (A3) DrNo Z18/2A Location Plan;
 - (A3) DrNo Z18/1 Floor Plans and Elevations;
- (c) Prior to their installation, samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or

shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (e) The building shall not be occupied until the vehicular access, parking and turning areas have been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority. The access shall be made of a porous material (not loose stone or gravel) or otherwise drained within the site;
- (f) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension to the dwelling hereby permitted without the further grant of planning permission;
- (g) Prior to commencement of the development hereby permitted, a foul drainage strategy shall be submitted to, and approved in writing by, the Local Planning Authority and the dwelling shall not be occupied until the approved foul drainage works have been completed in accordance with the approved details and shall thereafter be maintained as such;

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission; (ii) Applicant was advised that any Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (iii) Applicant was advised that Condition (g) requires the submission of information regarding foul drainage. If connection to the existing foul sewer network shared with other properties is proposed, then full information will be required demonstrating that the system has sufficient capacity.)

30/14/0022

Erection of dwelling with associated detached double garage with annexe over and erection of single detached garage for use by Sellicks Green Farm on land adjacent to Sellicks Green Farm, Sellicks Green, Pitminster

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this development;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
 - (A4) Location Plan;
 - (A1) DrNo 1690/1A Existing Site Plan/Elevations;
 - (A3) DrNo 1690/09 Existing Elevations of Garage;
 - (A4) DrNo 1690/08C Site Plan;

- (A1) DrNo 1690/03C Proposed Site Plan;
 - (A1) DrNo 1690/04B Proposed House Elevations;
 - (A1) DrNo 1690/02A Proposed Floor Plans;
 - (A1) DrNo 1690/06C Proposed Garage;
 - (A1) DrNo 1690/05 Proposed House Sections;
- (c) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on Greena Ecological Consultancy's report dated November 2013 and include:-
1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
 2. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance;
- (f) At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No.1690/03C) Such visibility splays hereby permitted and shall thereafter be maintained at all times;

(Notes to applicant:- (i) Applicant was advised that in accordance paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission;

(ii) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should

ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation;(iii) Applicant was advised that with regard to condition (d) , hedging should be two staggered rows of plants 225mm apart with spacing of 450mm - this adds up to 4.5 plants per m run. Species should comprise hawthorn, blackthorn and hazel. Tree species should be Oak, Beech and Field Maple.)

42/14/0047

Erection of three storey extension to rear, first floor extension to side, alterations to front and detached garage at Oaklands, Trull

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 14.26.01A Location Plan and Block Plan;
 - (A3) DrNo 14.26.02A Existing Site Plan;
 - (A3) DrNo 14.26.03A Proposed Site Plan;
 - (A3) DrNo 14.26.04 Existing Ground Floor Plan and Existing Cross Section;
 - (A3) DrNo 14.26.05 Existing First Floor Plan;
 - (A3) DrNo 14.26.06 Existing Second Floor Plan;
 - (A3) DrNo 14.26.07 Existing Roof Plan;
 - (A3) DrNo 14.26.08 Existing Front and Rear Elevations;
 - (A3) DrNo 14.26.09 Existing Elevations (Sides);
 - (A3) DrNo 14.26.10 Proposed Ground Floor Plan and Proposed Cross Section;
 - (A3) DrNo 14.26.11 Proposed First Floor Plan;
 - (A3) DrNo 14.26.12 Proposed Second Floor Plan;
 - (A3) DrNo 14.26.13 Proposed Roof Plan;
 - (A3) DrNo 14.26.14 Proposed Front and Rear Elevations;
 - (A3) DrNo 14.26.15 Proposed Side Elevations;
 - (A3) DrNo 14.26.16 Proposed Garage Plan and Elevations;
 - (A3) DrNo 14.26.17 Exploded 3D Model Images;
 - (A3) DrNo 14.26.18 3D Model Views;
- (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;

(Note to applicant:- Applicant was advised that in accordance with the 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).

38/14/0246

Erection of single storey replacement garden room to the front of Mountswood House, Haines Hill, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) DrNo DF95-01-02 Double Door Open Out;
 - (A4) DrNo F95-01-03 Ovolo Frame Mould With Ovolo Sash Mould;
 - (A4) Site Plan;
 - (A3) DrNo 8856 Plan B Existing and Proposed Floor Plan;
 - (A3) DrNo 8856 EXISTING A Existing Elevations;
 - (A4) Location Plan;
 - (A1) DrNo 8856 PROPOSED A Proposed Elevations;

(Notes to applicant:- (i) Applicant was advised that In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission; (ii) Applicant was advised to ensure the roots of the nearby tree are not damaged during construction.)

Reason for granting permission contrary to the recommendation of the Area Planning Manager:-

Members were of the view that when all facets of the proposal were taken into account the proposal, taken cumulatively, was considered to preserve the listed building and its setting in accordance with Policy CP8 of the Taunton Deane Core Strategy and Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

38/14/0247LB

Erection of single storey replacement garden room to the front of Mountswood House, Haines Hill, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) DrNo DF95-01-02 Double Door Open Out;
 - (A4) DrNo F95-01-03 Ovolo Frame Mould With Ovolo Sash Mould;
 - (A4) Site Plan;
 - (A3) DrNo 8856 Plan B Existing and Proposed Ground Floor Plan;
 - (A3) DrNo 8856 EXISTING A Existing Elevations;
 - (A4) Location Plan;
 - (A1) DrNo 8856 PROPOSED A Proposed Elevations;
- (c) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: colour finish of windows, doors and timberwork;
- (d) The brickwork and roof slate to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority;

Reason for granting permission contrary to the recommendation of the Area Planning Manager:-

Members were of the view that when all facets of the proposal were taken into account the proposal, taken cumulatively, was considered to preserve the listed building and its setting in accordance Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

49/14/0057

Demolition of outbuildings with the erection of a two storey extension and amenity buildings for swimming pool and home cinema at Ashbeers, Wiveliscombe

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 2405.10A Site and Location Plan;
 - (A1) DrNo 2405.11 Site (part) and Buildings Survey;
 - (A1) DrNo 2405.14 Elevation 1 Existing and Proposed. Section Through and Plan of Offices;
 - (A1) DrNo 2405.15-1A Proposed Plan Layout;
 - (A1) DrNo 2405.15B Proposed Plan Layout;
 - (A1) DrNo 2405.17 Elevation 2 Existing and Proposed;
 - (A1) DrNo 2405.18 Elevation 3 Existing and Proposed;
 - (A1) DrNo 2405.19 Elevation 4 Existing and Proposed Section Through Swimming Pool;
 - (A1) DrNo 2405 20 Elevation 5 Existing and Proposed;
 - (A1) DrNo 2405.21A Elevation 6 Existing and Proposed;
 - (A1) DrNo 2405.22 Elevations 7, 8, 9 As Proposed;
 - (A1) DrNo 2405 23 Roof Plans Existing and Proposed;
- (c) Prior to their installation samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall 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) The accommodation and facilities hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Ashbeers, Wiveliscombe;

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (ii) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (iii) Applicant was advised of the following - WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken

on the tree(s) must comply with the appropriate wildlife legislation; BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.)

108. Appeals

Reported that one decision and two appeals were received details of which were submitted.

Resolved that the reports be noted.

(The meeting ended at 8.10 p.m.)

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
- Clerk to Milverton Parish Council – Councillor Wren

43/14/0104/LB

MRS J LITTLEJOHNS

CHANGE OF USE OF GROUND FLOOR ONLY FROM A1 (RETAIL) TO A3/A5 (RESTAURANT/TAKE AWAY) WITH INSTALLATION OF KITCHEN, EXTRACTOR UNIT AND SERVING AREA AT 20 MANTLE STREET, WELLINGTON

Location: 20 MANTLE STREET, WELLINGTON, TA21 8AR

Grid Reference: 313719.120406

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 1484.101 Rev B Proposal Drawings
(A3) DrNo 1484.100 Rev A As Built Survey Drawings
(A3) DrNo 1484.099 Rev A Location Plan and Site Plan

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

3. No works shall take place until samples of the materials to be used in the construction of the external surfaces of the works hereby approved 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: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Prior to its installation, full details of any extraction equipment/flue shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details shall thereafter be maintained as such.

Reason: In the interests of protecting the amenities of nearby property and preserving the listed building and any features of special architectural and historic interest that it possesses.

Notes to Applicant

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

PROPOSAL

The proposal comprises alterations including changes to the fenestration on the rear of the building, internal alterations for new kitchen and new partition wall, and if a flue is required it has been identified that a flue could be placed within the existing chimney. The alterations are required to allow for the change of use from a retail use to a restaurant/takeaway use.

SITE DESCRIPTION AND HISTORY

The building is sited in Mantle Street which is predominately within residential use though there are a variety of other commercial uses include retail, leisure and a takeaway. The ground floor of the building is currently empty though was in previous retail use and the first and second floor has been used as residential accommodation. To the side of the building is a passageway that leads to a small row of cottages at the rear of the building.

The building is Grade II Listed and is within a Conservation Area.

A planning application (43/14/0103) has also been submitted.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL - Recommend refusal: -

- Change of use would result in a loss of a retail unit in the town.
- Detrimental impact on the surrounding highways with limited parking available especially in the evening.
- The use would result in disturbance in surrounding properties with adverse noise, smell and litter.

- Application is not appropriate use of a listed building.

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

HERITAGE - The proposed scheme looks to have very little impact on the historic significance of this listed building although there is obviously the potential for this to change depending on the end user's requirements.

As it stands, my only concerns with what is currently proposed are the counter which, at normal height, would cut across the ground floor sash window on the front elevation and the air/waste extraction associated with the new sink at the rear of the premises.

Representations

TWELVE LETTERS OF OBJECTION raising the following: -

- Noise
- Odour
- Rubbish
- Inappropriate use of adjoining passageway/unsocial behaviour.
- Impeding access through passageway by accumulation of rubbish, boxes etc from business.
- Inadequate drains.
- Lack of waste storage area; area to rear belongs to 1 Laburnum Cottage
- Increase in parking problems; highway safety; increased traffic
- Not appropriate uses for listed building
- Risk of fire from kitchen spreading to Laburnum Cottages.

LETTER OF OBJECTION FROM WARD COUNCILLOR: -

- The change of use would result in the loss of a retail unit in the town.
- The proposed use would have a detrimental impact on the surrounding highways with limited parking available especially in the evening.
- The use would result in disturbance to surrounding properties with adverse noise smell and litter.

The application is not an appropriate use of a listed building.

PLANNING POLICIES

CP8 - CP 8 ENVIRONMENT,
NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

This application must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act. This requires that special regard is paid to the desirability of preserving the listed building, its setting and any features of historic or architectural interest when deciding whether to approve Listed Building Consent.

There are minimal internal alterations with the reinstatement of an existing opening and a small internal partition that can be reversed; the internal kitchen layout has been amended to remove the counter area that was in front of a window and any flue can be accommodated within the existing chimney. There is no objection from the Conservation Officer.

The alterations are therefore considered to accord with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and will not harm the character and appearance of the listed building. The proposal also complies with Policy CP8 and is therefore recommended for approval.

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

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

43/14/0103

MRS J LITTLEJOHNS

CHANGE OF USE OF GROUND FLOOR ONLY FROM A1 (RETAIL) TO A3/A5 (RESTAURANT/TAKEAWAY) WITH INSTALLATION OF KITCHEN, EXTRACTOR UNIT AND SERVING AREA AT 20 MANTLE STREET, WELLINGTON

Location: 20 MANTLE STREET, WELLINGTON, TA21 8AR

Grid Reference: 313719.120406

Full Planning Permission

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 1484.101 Rev B Proposal Drawings
(A3) DrNo 1484.100 Rev A As Built Survey Drawings
(A3) DrNo 1484.099 Rev A Location Plan and Site Plan

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

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with 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. The use hereby permitted shall not be open to customers outside the following times [22:30]hrs – [08:00]hrs.

Reason: To minimise the impact of the development in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

5. Prior to the commencement of the use hereby permitted, full details of the proposed storage of refuse/waste shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the use commencing and shall thereafter be maintained as such. No waste shall be stored within the side passage that gives access to Laburnum Cottages at any time.

Reason: In the interests of protecting the amenities and living conditions of the neighbouring residents.

6. Prior to its installation, full details of any extraction equipment/flue shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details shall thereafter be maintained as such.

Reason: In the interests of protecting the amenities of nearby property and preserving the listed building and any features of special architectural and historic interest that it possesses.

Notes to Applicant

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

PROPOSAL

The proposal comprises the change of use of the ground floor from retail (A1) to either a restaurant/cafe/takeaway (A3/A5). No end user has been identified.

Other alterations include changes to the fenestration on the rear of the building, internal alterations for new kitchen and new partition wall, and if a flue is required it has been identified that a flue could be placed within the existing chimney.

SITE DESCRIPTION AND HISTORY

The building is sited in Mantle Street which is predominately within residential use although there are a variety of other commercial uses including retail, leisure and a takeaway. The ground floor of the building is currently empty though was previously in retail use and the first and second floor has been used as residential accommodation. To the side of the building is a passageway that leads to a small row of cottages at the rear of the building.

The building is Grade II Listed and is within a Conservation Area.

A listed building application (43/14/0104/LB) has also been submitted.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL - Recommend refusal: -

- Change of use would result in a loss of a retail unit in the town.
- Detrimental impact on the surrounding highways with limited parking available especially in the evening.
- The use would result in disturbance in surrounding properties with adverse noise, smell and litter.

Application is not appropriate use of a listed building.

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

ENVIRONMENTAL HEALTH - FOOD SAFETY - None received.

ECONOMIC DEVELOPMENT - Rural enterprise is crucial to the success of the local economy in Taunton Deane, particularly in areas such as Wellington where the population is expected to grow significantly over the next few years, therefore I am happy to support this application.

HERITAGE - The proposed scheme looks to have very little impact on the historic significance of this listed building although there is obviously the potential for this to change depending on the end user's requirements.

As it stands, my only concerns with what is currently proposed are the counter which, at normal height, would cut across the ground floor sash window on the front elevation and the air/waste extraction associated with the new sink at the rear of the premises.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Awaited.

Representations

TWELVE LETTERS OF OBJECTION raising the following: -

- Noise.
- Odour.
- Rubbish.
- Inappropriate use of adjoining passageway/unsocial behaviour.
- Impeding access through passageway by accumulation of rubbish, boxes etc from business.
- Inadequate drains.

- Lack of waste storage area; area to rear belongs to 1 Laburnum Cottage
- Increase in parking problems; highway safety; increased traffic.
- Not appropriate uses for listed building.
- Risk of fire from kitchen spreading to Laburnum Cottages.

LETTER OF OBJECTION FROM WARD COUNCILLOR (Cllr V Stock-Williams):

- The change of use would result in the loss of a retail unit in the town.
- The proposed use would have a detrimental impact on the surrounding highways with limited parking available especially in the evening.
- The use would result in disturbance to surrounding properties with adverse noise smell and litter.
- The application is not an appropriate use of a listed building.

PLANNING POLICIES

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

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

The main consideration is impact on the residential amenity and the character and appearance of the listed building.

Residential amenity

The main concerns for residential amenity from the proposal are noise and odour. Whilst no comments have been received from Environmental Health to date, any proposed flue has been identified to be installed within the existing chimney; the flue would finish above the height of the building and any neighbouring first floor windows. Any associated plant could, therefore, be sited well within the building and, as such, should not affect any nearby properties.

Due to the close proximity of the neighbouring properties, noise could affect these properties and cause a disturbance late in the night. To help prevent any potential nuisance a condition is proposed that would restrict opening hours to 10.30pm.

The application proposes that waste from the proposed use would be stored in a passage to the rear of the building. The ownership of this has been contested, but the applicant confirms that it is within his control. It is possible that the use of this area for waste storage could lead to additional activity/noise and disturbance in the passageway between the application site and the neighbouring dwellings to the rear. The closest dwelling has one small window opening out to the passage. Similar activity within this area could have existed with the previous retail use, but the hours of opening would not have extended into the evening. However, with the opening times restricted to 10.30 in the evening, it is not considered that the potential

disturbance would be so great as to warrant refusal of the application.

Many A3/A5 uses exist within terraced properties with similar proximity to neighbouring properties as that proposed here. It is fair to say that without any road frontage, the properties in Laburnum Cottages probably experience less day-to-day noise than those other neighbours fronting mantle street. However, in terms of the type of noise likely to arise from the storage of refuse/waste in the rear passage, it would be difficult to argue that it would be more unacceptable than if the properties were alongside each other.

Some concern has been raised by the neighbours about the potential for waste being stored in the communal access alongside the application site. The proposal for a waste storage area in the passage to the rear will overcome this problem and, on balance, it is considered that the waste storage proposals are acceptable and the impact on neighbouring property would not be so detrimental as to warrant refusal of the application.

Highways

Whilst there are some concerns from local residents regarding parking, the building is sited close to the town centre where there are existing public car parks; the closest being 160m (approx) from the building, furthermore there are some short stay parking spaces along Mantle Street. Given the sites close proximity to the town centre, car parks, public transport, and nearby on street parking, the proposal is not considered detrimental to highway safety or generate any detrimental increase in traffic to the area.

Conservation/listed building

Regard must be given to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that development proposals must be assessed to ensure that they preserve the listed building, its setting or any features of special architectural or historic interest which it possess. The Conservation Officer has not objected to the proposal and an amended plan has removed the proposed counter that was in front of the window.

Other matters

The building is sited outside of the Primary Shopping Area, and as such, the principle of the loss of a retail unit is acceptable in this location.

Conclusion

The proposed ground floor of the building can be converted to an A3/A5 use without detrimental harm to residential amenity, highway safety or the character and appearance of the listed building. The proposal is therefore recommended for approval.

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

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

27/14/0010

MR M JAMES

ERECTION OF TWO STOREY EXTENSION TO LINK FARM HOUSE, SWIMMING POOL BUILDING AND BARN AND CONVERSION WORKS TO PROVIDE HOLIDAY ACCOMMODATION WITH ANCILLARY FACILITIES AT ALLERFORD FARM, NORTON FITZWARREN, OAKE (AMENDED DESCRIPTION)

Location: ALLERFORD FARM, ALLERFORD ROAD, NORTON FITZWARREN, TAUNTON, TA4 1AL

Grid Reference: 317991.124981

Full Planning Permission

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:

(A2) DrNo Y21/1K Ground Floor Plans

(A3) DrNo Y21/2B First Floor Plan

(A3) DrNo Y21/3B Second Floor Plan

(A3) DrNo Y21/4D South East and South West Elevation

(A3) DrNo Y21/5C North West and North East Elevation

(A3) DrNo Y21/6H Location and Site Plan

(A3) DrNo Y21/7D Landscaping of Garden and Ancillary building Elevations and Floor Plan

(A3) DrNo Y21/11 Revised Location Plan

(A3) DrNo Y21/12 Revised Block 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) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

5. The accommodation shall be occupied for holiday purposes only.

The holiday accommodation shall not be occupied as a person's sole or main residence.

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

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in with paragraph 55 of the National Planning Policy Framework.

6. No part of the accommodation hereby permitted shall be occupied until space has been laid out within the site for the parking of motor vehicles in accordance with the approved plan Dr No Y21/12 and shall thereafter be maintained at all times.

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

7. None of the accommodation shall be occupied until the sewage disposal and

surface water drainage works have been completed in accordance with the details hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. Once implemented the drainage schemes shall thereafter be maintained at all times.

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

8. Prior to the commencement of any works hereby permitted, a full wildlife survey shall be undertaken by a qualified ecologist and a report submitted to and approved in writing by the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment of the approved development upon those species found and mitigation measures (to include timing of works) to be carried out in order to safeguard protected species in accordance with the law. Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect bats, birds and other protected species and their habitats from damage, which are thought to be present, bearing in mind these species are protected by law.

9. No development shall take place until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall address and provide information on the matters:

During Demolition/Construction Process

- command & control (decision making process and communications to ensure activation of FEP);
 - training and exercising of personnel on site (H& S records of to whom and when);
- flood warning procedures (in terms of receipt and transmission of information and to whom);
- site evacuation procedures and routes; and,
 - provision for identified safe refuges (who goes there and resources to sustain them).

During Occupation of Development

- occupant awareness of the likely frequency and duration of flood events;
- safe access to and from the development;
- subscription details to Environment Agency flood warning system, 'Flood Warning Direct'.

Reason: To limit the risk of flooding by ensuring the provision of a satisfactory means of flood management on the site.

10. The pool, sauna, gym, steam room, wet rooms, treatment rooms and dining area and associated facilities shall not be used by other than persons/guests resident at Allerford Farm.

Reason: Such facilities, if open to the public, would not be permitted in such locations in accordance with planning policy and to prevent an unacceptable increase in traffic attracted to the site.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.

PROPOSAL

The application seeks planning permission for the erection of single storey and two storey extensions to existing buildings and the change of use of said buildings to holiday accommodation and associated guest facilities at Allerford Farm, Norton Fitzwarren.

A single storey extension is proposed to the rear of an existing timber building previously permitted for a hydrotherapy pool; a two storey extension will be erected to the side of the farm house connecting it to the timber building and a stone barn to the North. Within the garden of Allerford Farm, a revised storage building with WC will be erected against the boundary wall. It will be used for the storage of sun beds; a new pond will be constructed and an existing summer house repositioned away from the northern boundary.

With regard to accommodation, the existing (unfinished) hydrotherapy pool building will be completed to provide said pool, sauna, steam room, changing facilities, a gym, treatment rooms and plant stores.

The proposed two storey link extension will form a reception area and communal social/dining room at ground floor with two guest bedrooms above; internal links will be formed from the main farm house and barn conversion accommodation.

The existing stone barn will be converted to provide a kitchen with office and store at ground floor, two ensuite bedrooms at first floor and a family room, bedroom and shower at second floor. All accommodation will be accessed via a new internal lift. This unit would be capable of being let alone (albeit not self contained), with the remaining rooms being used for bed and breakfast accommodation.

The application is supported by a Flood Risk Assessment and a Business Case and Planning Statement; the latter confirms that the proposed business would be unique, in that there is no other holiday accommodation for the disabled that provides for a hydrotherapy pool, gym etc. within the UK.

SITE DESCRIPTION AND HISTORY

Allerford Farm comprises a large traditional farm house that is surrounded by converted and unconverted agricultural buildings to the North, with commercial and industrial buildings beyond. The dwelling benefits from large grounds containing garaging and a hydrotherapy pool and ancillary building, which is yet to be completed. The property has gardens to the East that are bound by block work walls and domestic shrub and tree planting. The site is located within flood zone 3.

The site has a varied planning history, with the following applications being relevant to the current proposals:

27/05/0023 - Conversion of three agricultural buildings to dwellings - approved and implemented;

27/08/0019 - Erection of two storey and single storey link extension between farm house, new hydrotherapy pool building and unconverted barn - approved and implemented.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

OAKE PARISH COUNCIL - Object to the proposed development for the following planning related reasons:

- Development will exacerbate already serious flooding issues in Allerford, particularly around the access which has flooded in recent years; extra hard surface will cause more run off and flooding closer to the buildings;
- More development will add to the strain on the road network; a commercial business would add to unacceptable transport movements and safety and impact upon neighbouring dwellings;
- Strong impact upon neighbouring privacy with toilet block up against neighbour's wall; too close a proximity;
- Question whether adequate sewage treatment facilities are planned/available;
- Noise levels from residents using treatment rooms and the house as a hotel will disturb neighbours, with movements at all times of the day and general use of the gardens during stays;
- Plans are not in keeping with the rural aspect of the area;
- Query sustainability of the business; over development of a rural site.

LANDSCAPE - No additional landscape impact.

DRAINAGE ENGINEER - Initial request for additional information regarding surface water flows from additional hardstanding and measures to deal with drainage. Subsequently confirmed that the surface water proposals are acceptable and asked for Environmental Health divisions advice regarding the septic tank proposals.

ENVIRONMENTAL HEALTH OFFICER - Thank you for sending me the information. It is a slightly unusual set-up, but as the effluent from the tank is being pumped to a soak-away it should be OK. I would recommend keeping an eye on the soakaway to see if there is any evidence of effluent coming to the surface, as they can become blocked up over the years and sometimes have to be re-dug.

Representations

1 letter of support raising the following planning related matters:

- Allerford Farm was once one of the most productive dairy farms in the country; large significant traffic movements on the site are therefore established; any comment about unsuitability of the roads are void;
- Additional buildings do not necessarily increase flooding; saturated ground is saturated ground;
- Consumer choices makes farming unsustainable; what are farmers/landowners supposed to do for income?

8 letters of objection raising the following planning related matters:

- Road system is inadequate to support additional visitors and support services necessary for a large commercial development; Already carrying significant movements and can become congested when Pontispool events are held;
- Over development of the front garden with proposed summer houses, treatment block etc;
- Noise pollution from summer houses and hot tub facilities; will be intrusive and detrimental to privacy and peace enjoyed by neighbours;
- Removal of trees from front garden for summer houses will destroy wildlife habitat;
- Bats and barn owls recorded in survey work within farm house and building;
- Previous raising of ground levels for stable building has removed any flood defence and caused additional severe flooding to fields;
- Over development of the site in a quiet rural and domestic hamlet;
- Permission for stable block restricted to domestic use due to possible impact of commercial use on highway safety;
- Car parking area and use will cause noise and disturbance;
- A flood in 2012 entered the farm house; floor levels are the same and risk accommodation being flooded, putting clients at risk;
- Development is vastly over sized and not in keeping;
- There are no local amenities within the hamlet; roads are dangerous for clients to venture off site;
- Staffing levels would be much higher than indicated;
- The site can become cut off when the road floods;
- Financial risk to the business is huge if flood insurance cannot be obtained;

- This is not the correct location for the development;
- Design may not have space to turn wheelchairs or accommodate overnight carer's.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
CP2 - TD CORE STRATEGY - ECONOMY,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are the principle of the development having regard to development plan policies, flood risk, highway safety, amenity and wildlife.

Development principles

The site is located within the open countryside; Policy DM2 of the Core Strategy states that holiday and tourism accommodation shall only be provided within existing buildings, where there is an identified need and it supports farming or rural businesses. Alternatively it can be provided within rural buildings subject to following the sequential test. The proposed development fails these tests and is contrary to policy.

Notwithstanding the above, there are material considerations to consider in relation to the proposed development. Here, the three storey barn that is yet to be converted has an extant planning permission for conversion to a self contained dwelling house; if completed, said dwelling could be used for holiday accommodation without the need for planning permission, although the use would be distinctly different to that being proposed. Further, the hydrotherapy pool building is also an extant permission, which has had the physical building erected and pool excavated, yet no internal fit has taken place to date. The permitted single storey and two storey extension connecting the pool building with the extant barn conversion and the dwelling is yet to be erected but is similar in scale, albeit with slightly less first floor accommodation, to that being proposed.

The application is supported by a well researched and detailed business case, which sets out support for this unique development that would be specifically aimed at people with disabilities. It has been suggested in objections that Allerford is not an appropriate location for the business use being proposed, however as stated within the business case, holiday retreats for disabled people are most successful where a quiet rural setting can be provided.

The proposed development will be based upon a bed and breakfast style service. Paragraph 28 of the NPPF states that LPAs should support economic growth in rural areas, and specifically mentions rural tourism. It notes that facilities should be supported where identified needs are not supported within existing service centres.

The submitted Business Case has highlighted the under provision of tourist facilities and accommodation within Taunton Deane for the disabled. It is especially pertinent to note that there are no known facilities offering the use of a hydrotherapy pool; the only accessible pool in the area is at Musgrove Park Hospital.

This is clearly a niche market which the applicant wishes to enter, in order to broaden the accommodation and service choices available to disabled holiday makers. The business is based upon the BAY concept - providing beauty, art and yoga with accommodation for the disabled; hydrotherapy and spa treatments are an additional benefit to the business and its offering to the market. Whilst the application is contrary to policy, it would provide economic benefit to local services such as the pubs at Allerford and Hillfarrance, Norton Fitzwarren and other nearby village businesses. The wider economy of Taunton Deane would undoubtedly benefit from the proposals as the business becomes more established and popular. The development will provide additional employment opportunities within the local market and offer. Whilst the location of the site may not be viewed as being sustainable in transport terms, on balance, the benefit to local economy, employment provision, social well being and the re-use of existing buildings at the site are considered to outweigh the location in this instance. These benefits, together with the distinctly individual proposal that is being put forward lead to the conclusion that the proposed development should be supported in principle.

Flood Risk

The application site is located within flood zone 3 where the risk of fluvial flooding is high. Notwithstanding, the application seeks the change of use of buildings and associated minor developments (as defined within the footnote at page 10 in the NPPF's Technical Guidance). As a consequence the sequential test does not apply. The use proposed has the same vulnerability classification as the existing use of the site and permissions.

The buildings will include flood resilient construction measures as has been approved for the extant building, extension and conversion schemes historically. Occupants of the site would be at no greater risk of flooding than existing residents; a suitable and accessible safe haven would be available outside of the flood depth at first and second floor levels which can be accessed by the physically disabled and wheel chair users. In addition, an emergency flood evacuation plan would provide further safety for occupants of the accommodation providing adequate time and warning of potential flood events to allow the property to be vacated safely.

With regard to surface water, the application will provide for only a very small increase in hard surfacing above that previously permitted. A more detailed surface water drainage scheme has been submitted now than that originally included with the submission. The drainage officer is satisfied that the development will not cause any additional flood risk outside of the site or downstream and does not object.

Highway Safety

The application has been objected to by members of the public and Parish Council due to the means of accessing the site. The lane that serves Allerford also leads to

Hillfarrance; it is generally of a single lane carriageway; the road varies in alignment, with sections of good and poor forward visibility; there are a number of available passing points between the site and B3227. The Highway Authority have not commented on the case, but it is noted that they did not previously object to barn conversions or commercial development within the area based upon the suitability of the access roads.

The site is unsustainable in transport terms and it is accepted that most trips will be made via private motor vehicles, as is the case with the vast majority of holiday accommodation premises. The development will create an additional 5 en-suite rooms for let to holiday makers. This is a relatively low increase in habitable rooms and will naturally restrict the level of vehicle movements to and from the site. The extant planning permission for the barn conversion provides for a four bedroom dwelling. The vehicle movements associated to such a property in this location would not be significantly less than those likely to be generated by the proposed development, although some increase is likely.

It is accepted that the highway has its limitations but in general, experience of using the road regularly has found it to be relatively quiet and lightly trafficked. Industrial, commercial, equine and cattery/kennelling uses have been permitted close by both recently and historically; such indicates that the highway is capable of taking additional movements and objecting to the proposed development on this basis would be unreasonable as the impact upon the local highway network and safety of its users would not be significant.

Amenity

The application site adjoins residential properties to the North, formed through the conversion of agricultural buildings originally approved in 2005. The original scheme proposed the erection 8 summer houses, a treatment room, toilet block and storage building, which would be sited along the boundary of the property shared with neighbouring dwellings.

Following concerns raised, this element of the scheme has been reduced significantly. It is now proposed to relocate one existing summer house further away from neighbouring properties and to erect a toilet and sun bed store along the boundary wall. The building will be set no higher than the wall and will not visually impede upon neighbouring outlook or privacy. The need for such large storage areas to cover sun beds comes from the fact that sun beds for the disabled are much larger than those designed for the able bodied.

There will inevitably be a slight increase in use of the gardens during periods of good weather, however there should not be any significant noise and disturbance caused to neighbouring residents. Such should be controlled through sound management of the premises and it is likely that such experiences for visitors would not be in the interests of the business in seeking return custom and a good reputation.

Overall, the impact of the proposed use upon neighbouring amenity is not considered to be so significant, if managed correctly, as to warrant a reason for refusal.

Wildlife

Historically bats have been found to use the farm house roof and agricultural buildings for roosting sites. The application seeks to convert a former agricultural building yet no wildlife survey has been provided with an up to date assessment of the building's use by protected species. Local residents have noted the historic use of the building by bats and barn owls.

This issue has been considered carefully, particularly given the requirements of the Habitat Regulations. Significant is the fact that the barn has an extant permission, that only one bat dropping was found within this building previously and that a suitable mitigation proposal was agreed for conversion works. Given that the building could be converted, subject to obtaining any necessary licenses, without any further planning permission, it is not considered necessary to request an up to date survey of the site at this time. Instead, one can be secured by way of condition and any additional mitigation that might be required, should bat or bird use be found, can thereafter be provided within the build.

Taking this pragmatic approach will enable the development to proceed whilst also ensuring that protected species are afforded the necessary protection in taking a precautionary approach to development. On this basis the proposals are not considered to present a significant risk to wildlife and protected species, when compared to the previous scheme.

Conclusions

The proposed development, while contrary to planning policy in the strictest sense, will provide for a unique form of holiday accommodation, making use of existing buildings within the site. The business appears to have been carefully thought out in order to enter a niche market where there appears to be significant demand for such accommodation and services. It will generate full and part time employment as well as having additional benefits to the rural economy and that of nearby towns. There is also an extant planning permission for residential use, which could be implemented if planning permission is refused.

The proposal is considered to be acceptable with regard to flood risk, access, highway safety, amenity and wildlife and, therefore, it is recommended that planning permission be granted subject to conditions.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

48/13/0008

STRATEGIC LAND PARTNERSHIPS

OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT UP TO 320 DWELLINGS, GREEN INFRASTRUCTURE INCLUDING PUBLIC OPEN SPACE, ASSOCIATED WORKS AND DEMOLITION OF BUILDINGS WITH ALL MATTERS RESERVED INCLUDING THE POINT OF ACCESS ON LAND AT HARTNELLS FARM, MONKTON HEATHFIELD

Grid Reference: 325615.127233

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Amended Recommendation

That the planning committee agree to amend the existing resolution to grant planning permission to:

- 25% affordable housing to be split 60% social rent and 40% intermediate
- Drainage contributions to enable (i) the completion of a flood risk option study to identify an appropriate solution to overcome the drainage restrictions for this site (£50,000 max) (ii) the delivery of the agreed surface water drainage solution (£450,000 max)
- Various highway works as outlined in the application
- Travel plan to reduce vehicular traffic movements from the new dwellings
- Provision and maintenance of public open space and children's play areas
- On site provision of Integrated Public Art

All conditions as previously agreed plus a new condition:

“No more than 150 dwellings shall be constructed prior to the completion of the Western Relief Road and its opening for public use to vehicular traffic.

Reason: To ensure the provision of an acceptable highway network able to cater safely for the additional volumes of traffic resulting from the development.

MISC ITEM PLANNING COMMITTEE

At its meeting on the 13th August 2014 planning committee resolved to grant planning permission for the above development subject to the completion of a S106 agreement securing the following:

- 25% affordable housing to be split 60% social rent and 40% intermediate
- Drainage contributions to enable (i) the completion of a flood risk option study to identify an appropriate solution to overcome the drainage restrictions for this site (£50,000 max) (ii) the delivery of the agreed surface water drainage solution (£450,000 max)
- Various highway works as outlined in the application
- Travel plan to reduce vehicular traffic movements from the new dwellings

- Provision and maintenance of public open space and children's play areas
- **Contributions based on 170 dwellings towards the provision of the western relief road (actual level to be determined following legal advice from QC)**
- On site provision of Integrated Public Art

Subsequent to that resolution the applicant has been advised by their lawyers that there is a potential conflict between the S106 requirement to fund the WRR and the payment of CIL monies which are applicable to this Core Strategy site. I am advised that this concern is justified as the Western Relief Road could be construed as an item of transport and movement infrastructure that is related to the growth of Taunton even if it has the role of mitigating the impact of development and thereby covered by the CIL regulation 123 list. S106 monies cannot be requested for items covered by CIL.

In accepting the need for the Western Relief Road before the occupation of the 151st dwelling the applicant has suggested the replacement of the S106 contribution with a Grampian condition, that no more than 150 dwellings should be occupied before the WRR is provided on site. This approach would leave the discussions over the acquirement of third party land and the provision of the WRR to the private developers (including the applicant, SLP) who need it to continue with their development i.e. the consortium for 249 dwellings on the Local Plan site and Strategic Land Partnerships for 170 dwellings from the Hartnells Farm site.

Highway Extract from the original Hartnells committee report

“The previous local plan allocation at Monkton Heathfield required the provision of a new southern relief road which was made up of a new eastern relief road (east of the A38) and new western relief road (west of the A38 and linking the A38 to the A3259). These new relief roads were required in order to overcome the highway junction capacity issues associated with additional traffic along the A38 and A3259 as a result of the development and also to remove the through traffic from the centre of the development area to aid community cohesion. An outline application was submitted by the Consortium for the land to the east of the A38 and this included the provision of an eastern relief road. A Section 106 agreement, between Somerset County Council and the developer consortium, requires the eastern relief road to be completed prior to the occupation of the 301st dwelling. The application did not include proposals for a new western relief road but a memorandum of understanding was agreed with the consortium whereby the consortium undertook to provide the WRR. During discussions with SCC highways it was agreed that approx. 650 occupations would be acceptable before the impact of the traffic from the new development was unacceptable and the S106 agreement included a limit of 650 dwellings before the ERR and WRR were provided and operational traffic generation would limit of 650 occupations before the completion of the western relief road.

One of the junctions where serious over capacity issues were identified was the junction of Milton Hill and the A3259 and the expected traffic from this proposal is likely to have an impact on the functioning of that junction. In order to mitigate against that impact the submitted transport assessment proposes a series of signalized crossings along the A3259 in order to provide gaps in the traffic flow along the road thereby enabling the traffic to cross the A3259 to gain access into the School

Road/Milton Hill and reduce the queues along the A3259 as a result. After detailed scrutiny by the County Highway officers it was agreed that these measures would be insufficient to cater for the traffic associated with an additional 320 dwellings. The applicant has therefore reconsidered the effect of the signalized crossing proposals on the junction capacity and now proposes a limit of 150 dwellings with the mitigation measures in place before the provision of the western relief road. Subject to the mitigation measures being installed prior to any occupation of the site and a maximum of 150 dwellings the County Highway Authority have withdrawn their objection to the proposal.

The Core Strategy also proposed a new rapid bus transport link along the A3259 to enable a faster and more sustainable link to be provided from North Petherton to Taunton town centre. This would improve sustainable transport options for the Monkton Heathfield area and encourage the use of buses thereby reducing the use of the car. The proposal does not include any specific measures to cater for this requirement. However since the application has been submitted Taunton Deane has introduced CIL payments for the provision of strategic infrastructure such as this and as a result the provision will be funded either by CIL monies, Central Government grant or similar and will be provided by SCC.

Detail - The proposed development lies to the north of the A3259 and would be accessed via a new highway junction. The location of the proposed junction is directly opposite to the new road associated with the master plan attached to the outline planning permission for the land to the east of this site (Local Plan allocation) and as indicated in the planning application 48/14/0016. This was considered to create an unacceptable junction arrangement and as a result, the junction has been redesigned as a mini-roundabout. The final detail of the junction will depend on whether or not the A3259 has been traffic calmed and closed to through traffic as a result whilst the applicant has submitted details for the worst case scenario. A reduced junction arrangement might be possible if the traffic calming has already taken place. The application has now been amended to a full reserved matters application

The developer of the land to the east of the A38 and subject to the limited occupation agreement has objected to the proposal on the basis that the additional capacity ought to be used to remove the limit currently applied to their development. Unfortunately that developer has not proposed traffic works along the A3259 which would mitigate for the concerns associated with the junction of the A3259 and School Road/Milton Hill and therefore they have not proposed such an acceptable alternative solution. In any event the need for the completion of the southern relief road is also linked to the need to remove traffic from the centre of Monkton Heathfield for improved community cohesion and must be linked to the development in this area which creates the problem”.

It is accepted that 150 dwellings can be developed along with the proposed traffic calming measures on the A3259 but that the extra traffic generated by the additional 170 dwellings would have a material and detrimental impact on the highway capacity in the area and as a result it is reasonable to use a Grampian condition to ensure that the proposed development is acceptable. This would leave the contributions to the WRR to be agreed between the affected parties as a private legal matter. As a result I consider that the applicants request is reasonable.

APPEAL DECISIONS FOR COMMITTEE AGENDA – 26 NOVEMBER 2014

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/E/14/2 211934	ERECTION OF STORM PORCH TO REAR OF MANOR COURT FARM, HUNTHAM, NORTH CURRY	The proposed extension, by reason of its design and location, would disrupt the appearance and harm the significance of the listed building and is contrary to policy CP8 of Taunton Deane Core Strategy, and guidance in Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings. It therefore fails to preserve the listed building and conflicts with the duty outlined at Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	24/13/0024LB	The Inspector found the main issue to be the effect of the proposed works on the significance and special interest of the building and the setting of adjacent listed buildings. She stated that Simple lean-to additions are not uncharacteristic of traditional agricultural buildings and the proposed addition would essentially follow this pattern. The Inspector concluded that the proposed works would preserve the special interest and significance of the appeal building and preserve also the setting of Higher Huntham Farmhouse and the listed threshing barn. She found no conflict therefore with the objectives of Policy CP8 of the Taunton Deane Core Strategy or with Section 12 of the National Planning Policy Framework. The Appeal was therefore ALLOWED.

<p>APP/D3315/A/14/2 223185</p>	<p>CONVERSION OF DWELLING INTO 2 No DWELLINGS AT ROSEMARY COTTAGE, HAM ROAD, CREECH ST MICHAEL</p>	<p>The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine appropriate rural need. The scheme would result in an unjustified dwelling outside of settlement limits, in an unsustainable location and an area of flood risk. As such, the proposal is contrary to Policies CP1(a) (Climate Change), CP8 (Environment), SP1 (Sustainable Development Locations) and SP4 (Realising the vision for the Rural Area) of the Taunton Deane Core Strategy and Paragraph 55 of the National Planning Policy Framework.</p>	<p>14/14/0036</p>	<p>The Inspector considered the main issues were whether the proposal would be a suitable location for a house, having regard to the principles of sustainable development; and whether the proposed dwellings would be at risk from flooding or increase the risk of flooding elsewhere. The property is on a winding, unlit road with no pavements and this, coupled with its use by lorries to access the nearby sewage treatment works, would not provide safe and convenient pedestrian access to the nearby village and its facilities. The location of the property would mean its occupiers would be heavily reliant on the private car. The Inspector therefore decided the proposed conversion would not accord with the requirements of the NPPF, nor its presumption in favour of sustainable development. There has been no assessment as to the impact of the proposed works with regard to flood risk, nor whether the proposal would increase flooding elsewhere. As such, it conflicts with the requirements of the NPPF and CS</p>
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				Policy CP8. The Inspector therefore DISMISSED the appeal.
APP/D3315/C/14/2 218451	STATIONING OF CARAVAN ON LAND OPPOSITE GIDLANDS HOUSE, WELLINGTON HILL, WELLINGTON	<p>The storage of a caravan in an agricultural field requires a change of use to B8 use. B8 use is not appropriate in a remote countryside location such as this. The Land is located within the Blackdown Hills which is an Area of Outstanding Natural Beauty (the AONB). The caravan is visible from the road and does not blend in with the natural features of the surrounding countryside. This is detrimental to the visual amenity and character of the AONB.</p> <p>There is no evidence of an agricultural function on the Land and therefore there is no ancillary agricultural need for the caravan to be on the Land.</p> <p>The unauthorised use of the Land is contrary to Policies CP8 (Environment), DM1 (General Requirements) and DM2 (Development in the Countryside) of the Taunton Deane Core Strategy (2011-2028); and guidance contained within the National Planning Policy Framework.</p>		<p>The Inspector noted that the Council first investigated the caravan in October 2012 when the appellant stated that it was needed for refreshments etc whilst tending her animals.</p> <p>The Council decided to monitor the situation as apparently more animals were to be brought to the site and the agricultural activity was to increase. However, no more animals were noted and the caravan did not appear to be used.</p> <p>In April 2013, in response to a Planning Contravention Notice, the appellant stated that the land was to be used for grazing horses and the keeping of sheep. The Council notes that no animals have been on the land and as such there is no evidence of using the caravan for agricultural purposes.</p> <p>The caravan has been on the site for at least two years and there is nothing from the appellant to address what the Council says about the lack of agricultural activity or to show that the caravan has been used in association with</p>

		<p>The Council does not consider that planning permission should be given because planning conditions could not overcome these objections.</p>		<p>tending animals. On this basis the requirement to remove the caravan is not excessive and the Inspector concluded that the appeal should be DISMISSED.</p>
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APPEALS RECEIVED FOR COMMITTEE AGENDA – 26 NOVEMBER 2014

APPEAL NO	PROPOSAL	APPLICATION NUMBER
APP/D3315/A/14/2227705	OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR THE ERECTION OF 1 NO. THREE STOREY DWELLING IN THE GARDEN ADJACENT TO WHITEWELL COTTAGE, 6 MOOR LANE, NORTH CURRY	24/14/0030
APP/D3315/A/14/2228193	REPLACEMENT OF DOUBLE GARAGE WITH THE ERECTION OF 1 NO. DETACHED DWELLING IN THE GARDEN OF THE LODGE, RUMWELL PARK, BISHOPS HULL	05/14/0028
APP/D3315/A/14/2228121	ERECTION OF DETACHED DWELLING ON LAND AT FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD	10/14/0025

Planning Committee – 26 November 2014

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

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

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

(The meeting commenced at 5.00 pm)

110. Apologies

Apologies : Councillor Coles (Vice-Chairman) and Councillor Bishop

111. Declarations of Interest

Councillors A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillor Bowrah declared that he was the Ward Councillor for application Nos 43/14/0104LB & 43/14/0103. He declared that although he had been approached by local residents to discuss the applications he felt that he had “not fettered his discretion”.

112. Applications for Planning Permission

The Committee received the report of the Area Planning 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:-

43/14/104LB

Change of use of ground floor only from A1 (retail) to A3/A5 (Restaurant/Take Away) with installation of kitchen, extractor unit and serving area at 20 Mantle Street, Wellington

Conditions

(a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;

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

- (A3) DrNo 1484.101 Rev B Proposal Drawings;
- (A3) DrNo 1484.100 Rev A As Built Survey Drawings;
- (A3) DrNo 1484.099 Rev A Location Plan and Site Plan;

(c) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the works hereby approved 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) Prior to its installation, full details of any extraction equipment/flue shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment shall be installed in accordance with the approved details shall thereafter be maintained as such;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of listed building consent.)

43/14/0103

Change of use of ground floor only from A1 (Retail) to A3/A5 (Restaurant/Takeaway) with installation of kitchen, extractor unit and serving area at 20 Mantle Street, Wellington

Conditions

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

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

- (A3) DrNo 1484.101 Rev B Proposal Drawings;
- (A3) DrNo 1484.100 Rev A As Built Survey Drawings;
- (A3) DrNo 1484.099 Rev A Location Plan and Site Plan;

(c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;

(d) The use hereby permitted shall not be open to customers outside the following times 22:30 hours – 08:00 hours;

- (e) Prior to the commencement of the use hereby permitted, full details of the proposed storage of refuse/waste shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the use commencing and shall thereafter be maintained as such. No waste shall be stored within the side passage that gives access to Laburnum Cottages at any time;
- (f) Prior to its installation, full details of any extraction equipment/flue shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment shall be installed in accordance with the approved details shall thereafter be maintained as such;

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

27/14/0010

Erection of two storey extension to link farm house, swimming pool building and barn and conversion works to provide holiday accommodation with ancillary facilities at Allerford Farm, Norton Fitzwarren, Oake (amended description)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A2) DrNo Y21/1K Ground Floor Plans;
 - (A3) DrNo Y21/3B Second Floor Plan;
 - (A3) DrNo Y21/3B Second Floor Plan;
 - (A3) DrNo Y21/4D South East and South West Elevation;
 - (A3) DrNo Y21/5C North West and North East Elevation;
 - (A3) DrNo Y21/6H Location and Site Plan;
 - (A3) DrNo Y21/7D Landscaping of Garden and Ancillary building Elevations and Floor Plan;
 - (A3) DrNo Y21/11 Revised Location Plan;
 - (A3) DrNo Y21/12 Revised Block 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) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The accommodation shall be occupied for holiday purposes only; The holiday accommodation shall not be occupied as a person's sole or main residence; The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual rooms/units on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority;
- (f) No part of the accommodation hereby permitted shall be occupied until space has been laid out within the site for the parking of motor vehicles in accordance with the approved plan Dr No Y21/12 and shall thereafter be maintained at all times;
- (g) None of the accommodation shall be occupied until the sewage disposal and surface water drainage works have been completed in accordance with the details hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. Once implemented, the drainage schemes shall thereafter be maintained at all times;
- (h) Prior to the commencement of any works hereby permitted, a full wildlife survey shall be undertaken by a qualified Ecologist and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment of the approved development upon those species found and mitigation measures (to include timing of works) to be carried out in order to safeguard protected species in accordance with the law. Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise agreed in writing by the Local Planning Authority;
- (i) No development shall take place until the applicant has submitted to, and approved in writing by, the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall address and provide information on the matters:

During Demolition/Construction Process

- command and control (decision making process and communications to ensure activation of FEP);
- training and exercising of personnel on site (H&S records of to whom and when);
flood warning procedures (in terms of receipt and transmission of information and to whom);
- site evacuation procedures and routes; and,
- provision for identified safe refuges (who goes there and resources to sustain them).

During Occupation of Development

- occupant awareness of the likely frequency and duration of flood events;
- safe access to and from the development;
- subscription details to Environment Agency flood warning system, 'Flood Warning Direct'.

(j) The pool, sauna, gym, steam room, wet rooms, treatment rooms and dining area and associated facilities shall not be used by other than persons/guests resident at Allerford Farm;

(Notes to applicant:- (i) Applicant was advised that in accordance with the paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (ii) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (iii) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (iv) Applicant's attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.)

113. Miscellaneous Report - Outline planning application for residential development up to 320 dwellings, green infrastructure including public open space, associated works and demolition of buildings with all matters reserved including the point of access on land at Hartnells Farm, Monkton Heathfield (48/13/0008)

Reported that at its meeting on 13 August 2014, conditional approval had previously been granted for this development subject to a Section 106 Agreement to secure the measures set out in Minute No. 84/2014. Subsequent to the former resolution the applicant had been advised that there was a potential conflict between the Section 106 requirement to fund the

Western Relief Road and the payment of CIL monies which were applicable to this Core Strategy site. This concern was justified as the Western Relief Road could be construed as an item of transport and movement infrastructure that was related to the growth of Taunton even if it had the role of mitigating the impact of development and thereby covered by the CIL Regulation 123 list. Section 106 Agreement monies could not be requested for items covered by CIL.

In accepting the need for the Western Relief Road before the occupation of the 151st dwelling, the applicant had suggested the replacement of the S106 Agreement contribution with a Grampian condition, that no more than 150 dwellings should be occupied before the Relief Road was provided on site. This approach would leave the discussions over the acquisition of third party land and the provision of the Relief Road to the private developers who need it to continue with their development..

Resolved that the existing resolution to grant planning permission be amended as follows:-

- (i) The measures to be secured by the Section 106 Agreement to be:-
 - (a) 25% affordable housing to be split 60% social rent and 40% intermediate;
 - (b) Drainage contributions to enable (i) the completion of a flood risk option study to identify an appropriate solution to overcome the drainage restrictions for this site (£500,000 max); and (ii) the delivery of the agreed surface water drainage solution (£450,000 max);
 - (c) Various highway works as outlined in the application;
 - (d) Travel plan to reduce vehicular traffic movements from the new dwellings;
 - (e) Provision and maintenance of public open space and children's play areas; and
 - (g) On site provision of Integrated Public Art; and
- (ii) The following additional condition be added to those already agreed:-

“No more than 150 dwellings shall be constructed prior to the completion of the Western Relief Road and its opening for public use to vehicular traffic”.

114. Appeals

Reported that three decisions and three appeals were received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 7.00 p.m.)