

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 28 January 2015 at 17:00.

---

### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 7 January 2015 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 38/14/0355 Demolition of buildings and the erection of 66 No. flexible living retirement flats and 12 No. assisted living flats for people with learning difficulties and associated works at Parmin Close, Taunton as amended by letter dated 13 January 2015.
- 6 26/14/0017 Removal of condition No. 1 of application 26/08/0009 to enable dwelling to be sold as separate dwelling at Upcott Farm Cottage, Nynehead.
- 7 35/14/0015 Change of use of land for the storage of felled timber at Appley Orchard Farm, Appley Cross, Stawley (retention of works already undertaken).
- 8 35/14/0023 Erection of poultry building (unit 1) with associated infrastructure and formation of vehicular access at Appley Orchard Farm, Appley Cross, Stawley.
- 9 35/14/0024 Erection of poultry building (unit 2) with associated infrastructure and formation of vehicular access at Appley Orchard Farm, Appley Cross, Stawley.
- 10 35/14/0025 Erection of poultry building (unit 3) with associated infrastructure and formation of vehicular access at Appley Orchard Farm, Appley Cross, Stawley.
- 11 35/14/0021 Erection of extension to agricultural building at Appley Orchard Farm, Stawley.
- 12 35/14/0022 Change of use of land for siting of mobile home and erection of storage/utility building at Appley Orchard Farm, Stawley (retention of works already undertaken).

- 13 38/14/0282 Erection of Lidl Foodstore with associated car parking on land off Castle Street, Taunton.
- 14 42/14/0061 Change of use of cottage annexe to separate unit of accommodation at Comeytrowe Manor West, Higher Comeytrowe, Taunton.
- 15 46/14/0039 Erection of single storey extension including silo and chimney on north west elevation at rigid containers, Chelston Business Park, Wellington.
- 16 21/14/0014 Replacement of single storey rear extension with the erection of two storey and single storey rear extensions at 3 Reynolds, Langford Budville.
- 17 Miscellaneous Report - 48/14/0001vsc Application for the amendment of schedule 1 and clause 1.1 of the section 106 agreement for planning application 48/05/0072 requiring 25% of the housing shall be affordable and not 35% concerning land at Monkton Heathfield.
- 18 Planning Appeals- The latest appeals and decisions received (attached)

Bruce Lang  
Assistant Chief Executive

20 February 2015

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

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

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

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

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

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



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



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

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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](mailto: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	

## **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

KNIGHTSTONE HOUSING ASSOCIATION

**DEMOLITION OF BUILDINGS AND THE ERECTION OF 66 No FLEXIBLE LIVING RETIREMENT FLATS AND 12 No ASSISTED LIVING FLATS FOR PEOPLE WITH LEARNING DIFFICULTIES AND ASSOCIATED WORKS AT PARMIN CLOSE, TAUNTON AS AMENDED BY LETTER DATED 13 JANUARY 2015.**

Location: STREET RECORD, PARMIN CLOSE, TAUNTON

Grid Reference: 324018.124394

Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

Subject to a Section 106 Agreement to control the age and occupancy of persons in the two blocks and subject to no Highway Authority objection by 3 February the Assistant Director Planning and Environment be authorised to determine in consultation with the Chair Vice Chair.

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

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

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

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

- (A4) DrNo 3225/101 Location Plan
- (A1) DrNo 3225-001 Rev A Ground Floor Plan
- (A1) DrNo 3225-002 Rev A First Floor Plan
- (A1) DrNo 3225-003 Second Floor Plan
- (A1) DrNo 3225-004 Rev A Third Floor Plan
- (A1) DrNo 3225-005 Rev A Roof Plan
- (A0) DrNo 3225-006 Rev A Site Plan
- (A1) DrNo 3225-010 Rev A Elevations Flexible Retirement Block
- (A1) DrNo 3225-011 Rev A Elevations Flexible Retirement Block
- (A1) DrNo 3225-012 Rev A Typical Section Trough Main Block & Typical Section Trough Site
- (A3) DrNo 3225-020 Ground Floor Plan - West Block
- (A3) DrNo 3225-021 First Floor Plan - West Block
- (A3) DrNo 3225-022 Second Floor Plan - West Block
- (A3) DrNo 3225-023 Roof Plan - West Block

(A1) DrNo 3225-024 Elevations - West Block  
(A0) DrNo 3225/205 Digital Survey

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

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

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

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

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

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

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

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

6. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Encompass Ecology Ltd submitted reports ( Extended Ecological Assessment and A Bat Roost and Activity assessment,) dated September and October 2014 , and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
  3. Measures for the retention and replacement and enhancement of places of rest for the bats and nesting birds
  4. Details of a sensitive lighting scheme.

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

Reason: To protect and accommodate wildlife.

7. No flats shall be occupied until the parking spaces as shown on the approved drawing have been provided within the site **and surfaced and marked out**.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Core Strategy.

8. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until a new footway link is constructed from Parmin Way to Ruskin Close in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of providing suitable footpath links to the surrounding area.

9. The Travel Plan Statement submitted for this development shall be implemented within one month of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan measures shall be carried out



as approved.

Reason: To ensure a transport choice is provided and to ensure that staff will travel to and from work by means other than the private car in accordance with the relevant guidance in Section 4 of the National Planning Policy Framework.

10. None of the dwellings shall be occupied until the surface water drainage strategy for the site has been completed in accordance with the details to be submitted to and agreed in writing by the Local Planning Authority, including the maintenance programme and who will carry it out. The scheme shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the western facing window of flat 10 in the western block, the south facing kitchen windows in flats 32, 50 and 66 of the main block and west facing windows to flats 36 and 37 to be installed in the main block shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. You are advised to discuss with any contractor construction hours and delivery times to avoid conflict with local residents as much as possible.
3. 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.

4. You are advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development. You are advised that the water main which serves the site will require diversion to accommodate the new layout; buildings above two storeys will require on site boosted storage. There must be no tree planting within 6 metres of Wessex apparatus.

## **PROPOSAL**

The proposal is to demolish the existing buildings on the site that provide 31 dwellings in a mix of bungalows and flats and erect 66 flexible retirement flats, together with 12 assisted living flats for people with learning disabilities on land at Parmin Close. The scheme has been amended from a C2 care use to one for retirement flats and a C3 use.

The main building will consist of 66 flats in a 3 and 4 storey block, that will provide 12 x 2 bed and 54 x 1 bed flats. The accommodation will provide independent living for older and less able people of 55 or more constituting a C3 use.

The redevelopment provides an opportunity to make more efficient use of the land and to expand housing options for specific sectors of the community in housing need. It is intended to retain the public footpath but divert it around the perimeter of the new development. Parking provision for 33 vehicles is provided on site.

The application includes a Design & Access Statement, a Planning Statement, a Transport Statement, Travel Plan, Ecology Report, Bat Survey, Tree Report, Drainage Strategy and Statement of Community Involvement.

## **SITE DESCRIPTION AND HISTORY**

The site extends to 0.92ha, located to the east of the town centre in a highly sustainable location. The site consists of a cul-de-sac of retirement bungalows and flats with warden's house and communal hall. The site is in largely a residential area, characterised by a mix of flats, bungalows, semi-detached and terraced two storey dwellings built in the 1960s and 70s (31 units). The Thales factory lies to the east of the site, while new development at Ruskin Close, comprising apartments and houses of contemporary design is located to the north. An existing footpath runs through the site from Parmin Way to the new development in Wordsworth Drive and Ruskin Close.

There is no relevant planning history of applications on the site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comment as follows:

## Recommendation

No objection is raised to this application subject to conditions.

## Travel Plan

The use of the site is confusing as submitted. The description of development shows the erection of 66 flexible retirement flats but the application details show a care home of 5792.8m<sup>2</sup>. If these were to be treated as flats, the need for a Travel Plan, as opposed to a Travel Plan Statement, would be necessary. Even as a care home of this size, a full Travel Plan would be necessary. The supporting documents explain that the increase in number of dwellings will effectively be 48 which takes it below the threshold for a Travel plan contained in the Somerset County Council Travel Plan Guidance.

In this sustainable location with good links to the town centre, there is a real opportunity to establish good walking and cycling habits cutting down on the number of movements associated with the site. Securing the Travel Plan by condition will not achieve the necessary incentive for sustainable travel and a full Travel plan secured by Section 106 agreement is felt to be appropriate.

There is currently a right of way that passes through the site, in part on the footway alongside the adopted road with the remainder provided by adopted urban footpath. The maintenance of this right of way is mentioned in the documents but there is no evidence on the site plan of where this link will be and what form it will take. The link should be as direct as possible and it must be of suitable width and form to provide an attractive pedestrian link. Evidence of the route and form of this link must be provided and agreed prior to any commencement on site. There are various gated areas shown on the site plan, and it is essential that the footpath link is maintained at all times of the day and night for the use of pedestrians.

## Transport Statement

There is no reason to doubt the details contained in the Transport Statement. The assumptions made in determining the existing and proposed traffic levels are sound and except that the prediction for the care home will be quite light compared to flats for independent living which is stated in the description. This distinction needs to be cleared up before an accurate determination can be made. It is very unlikely that this distinction will lead to an unacceptable level of traffic generation but consistency would help to be sure.

The stopping up of the existing public highway on the site can be achieved through the 1990 TCPA Section 247 route but there is no guarantee that the stopping up will be permitted. There can be objections to the stopping up from the Parish Council, from the Statutory Undertakers who may have apparatus in the highway and from members of the public. Any of these objections, if they are upheld, could prevent the highway being stopped up. The Highway Authority would not like to see the stopping up being granted without the footpath link being provided. To achieve this we would ask the Department of Transport that the stopping up be subject to a condition insisting on the footpath provision before the stopping up is granted. To be clear, the footpath link will have to be provided in full before the stopping up will be permitted.

## Site Access

The site access will be gained from Parmin Way a circular residential road where traffic levels and speeds are likely to be low. Visibility for emerging vehicles is likely to be sufficient based on the submitted plans. The proposed geometry should be adequate for the ingress and egress of the types of vehicle expected at the site. The parking level is selected for the care home use and the level for 66 flats for independent living would be different. Once again, clarification is necessary for a full evaluation.

## Conditions

The Highway Authority is reluctant to recommend refusal of this application because the likely impact on the highway network will be minimal. Provided that a full Travel Plan is provided and secured by Section 106 agreement, no objection to this proposal is raised subject to the following conditions:

There shall be no commencement of development until a car parking scheme for the site in accordance with the County Parking Strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme is to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

The proposed access shall be maintained in the same form as the existing access. Once construction has been completed, the access shall be maintained in that condition at all times thereafter.

Prior to any stopping up of the adopted highway, a footpath link equivalent to the existing link is to be provided built to a design that has been submitted to and agreed in writing by the Local Planning Authority. That link is to be constructed in accordance with the agreed design unless otherwise agreed by the Local Planning Authority.

*SCC - FLOOD RISK MANAGER* - The proposal to attenuate surface water discharge from the site is for an underground tank. It would be preferable if this were to be an open pond that could give water quality and amenity benefits as well as controlling run off. Responsibility for maintenance of the drainage system including the attenuation feature is assumed to be the site owner but should be confirmed.

*DRAINAGE ENGINEER* - I note in section 5 Surface Water Drainage of the FRA dated October 2014, the comment is made that following infiltration testing the ground has been deemed to be unsuitable for discharge to the underground strata. However further in the section the comment is made that an area of parking will be constructed with permeable block paving affording extra attenuation etc. No details however are shown as to how the 'treated/attenuated surface water run-off from this area will be disposed of, either by soakaways or a connection to the proposed surface water drainage system, and what effect this has on the total storage volume of 227m<sup>3</sup>. No details are given as to how and by whom the surface water drainage

system, including the car parking area and storage tank are to be maintained. This information should be provided before any planning approval is given.

I am happy with a suitably worded condition to reflect the discussion I had with Ted Stokes of Hydrock as outlined in his email dated 11 December.

*WESSEX WATER* - The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's Advice Note 16 for further guidance.

Redevelopment of the site will result in minimal impact upon our systems and as such capacity exists within our foul and water supply networks subject to agreement of flow rates.

Existing sewers may need to be abandoned (sealed at the point of connection) as appropriate to accommodate the new layout of the site to achieve appropriate easements. The developer should note that the 225mm existing foul sewer draining from south east to north east also serves upstream properties, services to which must be maintained.

Similarly the water main which serves the site will require diversion to accommodate the new layout; buildings above two storeys will require on site boosted storage.

There must be no tree planting within 6 metres of our apparatus.

The applicant has proposed to drain surface water via SuDs arrangements and to a council maintained culvert which will require the approval of your Authority.

*LANDSCAPE* - I consider this to be an interesting scheme and am pleased that the majority of trees are to be retained. I suggest the conditions covering the protection of trees and landscaping.

*BIODIVERSITY* - The application is for the demolition of 1960's buildings and the erection of 66 flexible retirement flats at Parmin Close, Taunton.

The site consists of amenity grass, scattered trees, hard surfaces and built form. The surrounding area is characterised by dense housing stock but on the eastern boundary is a large industrial facility, shielded by a line of mature trees. Encompass Ecology Ltd carried out an Extended Ecological Assessment of the site dated September 2014.

A Bat Roost and Activity assessment, also by Encompass Ecology Ltd, was carried out in September and October 2014.

Findings of the surveys are as follows

### Bats

The surveyor considered that the relatively modern buildings on site are likely to have only low potential for bats. However as bats can be present in any building, he recommended that further surveys took place prior to demolition. These surveys were carried out in September and October 2014.

The surveys found that the majority of bat activity was recorded in the NW corner of the site when common pipistrelles were observed foraging in the vicinity. No bats

were observed to have emerged from buildings or trees on site. I support the proposal for the new build to incorporate in built bat boxes. Lighting design on site is also an important consideration for bats

### Birds

The trees on and off site are likely to support nesting and foraging birds. Tree surgery and tree removal should only take place outside of the bird nesting season. It is likely that the buildings may also be used by nesting birds so demolition should also take place outside of the bird nesting season.

I would like to see in- built bird boxes incorporated within the cavity wall of the new build as recommended in the report.

### Reptiles

The surveyor is aware of significant numbers of slow worms within residential gardens 900 m to the north. However, it is unlikely that reptiles are present on this site due to the well maintained nature of the amenity grass areas on site.

### Badger

No badger setts were evident on site but a reasonably well used badger run was evident along the tree lined eastern boundary. I agree that current access points under the existing fence should be maintained to allow badger foraging to continue on site.

Suggest Condition for protected species.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - No comment.

*DIVERSIONS ORDER OFFICER - Mr Edwards* - No observations.

*HOUSING ENABLING* - Housing Enabling fully supports this planning proposal. The 66 flexible retirement flats will provide homes for local people who need varying levels of support. Furthermore the Assisted Living flats will provide independent living for people with learning difficulties. All these new homes will provide cost effective day to day living and ensure increased independence with the assurance of support when needed.

This development will go some way to satisfy the local need for specialised housing and to encourage an increased degree of independent living

*CIL OFFICER* - I am aware residents can only be referred by medical specialists and all residents will receive a level of care dependent on needs. Therefore if development is use class C2 there will be no CIL liability. If development or part of development is Class C3 liability will be at a rate of £70 per sqm but all affordable housing so CIL relief will be claimed.

## **Representations**

1 letter from 2 Ward Councillors advising

We are both supportive as ward councillors of the development but we are concerned about any disturbance for existing people who live in this area whilst the development is taking place. Would it be possible for there to be a recommendation of work only to take place between 8am and 6pm to avoid disturbance during early morning and late evening and at weekends?

I think this has been done before on other development sites.

10 letters raising concerns over

- too many housing units,
- size at 4 storey is out of keeping with area,
- materials out of keeping,
- overlooking and loss of privacy,
- will swamp bungalow,
- loss of light,
- loss of amenity land,
- increase in noise and smell,
- increase in risk of crime,
- loss of some trees and bat habitat,
- insufficient dedicated parking will lead to parking in Parmin Way,
- increase in traffic will pose a safety problem - Thales site should be utilised,
- estate roads will not cope,
- path should be lit at night,
- service vehicles will cause obstruction,
- with soil structure would 4 storey building be sustainable,
- detrimental impact on road surface of Parmin Way,
- devaluation of properties,
- need for road resurfacing on completion.
- and construction period:
- access unsuitable
- parking in area during demolition,
- increase in traffic,
- impact on roads with mud causing accident hazard,
- cause cracking or subsidence to property,
- dust and noise pollution,
- hazards to children, mobility scooters, cyclists and emergency vehicle access;

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

CP1 - TD CORE STRAT. CLIMATE CHANGE,

CP4 - TD CORE STRATEGY - HOUSING,

CP5 - TD CORE STRATEGY INCLUSIVE COMMUNITIES,

CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,

CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
EN8 - TDBCLP - Trees in and around Settlements,

## **LOCAL FINANCE CONSIDERATIONS**

As the proposal is for an affordable housing scheme there would be no CIL liability.

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£84,167
Somerset County Council (Upper Tier Authority)	£21,042

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£505,004
Somerset County Council (Upper Tier Authority)	£126,251

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is located in an area where residential development, in principle, would be acceptable as it is an existing residential area to the east of the town centre. The main considerations with the proposal are the design in relation to the character of the area and amenity impact and the relationship between the proposed buildings and the existing development adjacent to the site, together with any highway impacts.

### Policy

The site is a sustainable location within the existing town and the principle of the development here is considered to accord with policies SD1, CP1, CP4 and CP5 of the Core Strategy. CP4 relating to housing requires an affordable provision as part of any sheltered scheme. This development is being proposed in conjunction with the applicant, who is a registered housing provider, and all of the units in this instance would constitute as being affordable. The existing hall that is being demolished is being compensated for by the provision of a community hub facility within the new building. This area and adjacent cafe will be open to non-residents and is considered to replace the existing facility and comply with policy CP5.

### Design

The existing site consists of brick bungalows and two storey flats built over 40 years ago which are not considered to be of any merit in design terms. The new scheme is of a contemporary design and is designed to read visually and comprehensively with



the schemes at Wordsworth Drive and Ruskin Close to the north. The proposal provides buildings at 2, 3 and 4 storey heights but using flat roofs in the design effectively results in up to 3 storey in massing. This creates an architectural link with the development to the north. The main block is made up of 3 and 4 storey elements while the smaller block consists of 2 and 3 storeys. The design promotes a form of development with a distinct character that reflects the nearby development to the north and creates a continuity of style. The materials include a zinc standing seam roof and walls in brick, render and a mix of Rockpanel cladding colours. The roof also incorporates solar panels. The design and materials and space around the building are considered an acceptable design approach that will blend in with the recently approved schemes.

### Amenity

The scale of the 2, 3 and 4 storey blocks have raised some concerns in terms of their scale and potential to cause overlooking and loss of privacy. The smaller 2 and 3 storey block has been designed so that the building closest to the boundary of the site to the west is only 2 storey and has no windows in the west elevation which is 3m away. The other two storey element of the building facing west has windows serving halls and a bedroom and is 16m to the boundary which is considered an acceptable distance to maintain privacy and prevent any significant overlooking. The two windows at third floor level facing west serve a hall and kitchen and are 16.5m and 11m off the boundary respectively.

The windows on the north elevation of the assisted living flats face into the site and are considered acceptable in amenity terms while the eastern facing windows are over 36m from the site boundary and are also not considered to cause any adverse amenity issues. The windows on the south elevation are 12 to 14m away from the southern boundary and again are considered sufficient distance away from the boundary with other residential property so as not to cause a significant adverse amenity impact.

With regard to the larger retirement block which extends to 4 stories in height, the north (west) elevation is off set from the new flats off Wordsworth Drive and the building is around 20m from these flats and around 40m from the new properties in Ruskin Close. At this distance and orientation there is not considered to be any adverse impact on existing amenity. The eastern elevation faces directly towards the light industrial building on the adjacent site. The site boundary however is well screened by trees and the building is over 25m from the boundary and there are not considered to be any significant amenity issues as a result. One issue with the elevation is the provision of first floor balconies to two flats on the southern end of the building, however these are 17.25m to the southern boundary and at this distance with bin store and substation in between there is not considered to be any adverse overlooking issues.

The south elevation has been designed with the eastern most window canted to face south west so there is no direct overlooking of neighbours. The next 3 windows along serve a corridor, void and a secondary kitchen windows to flats 32, 50 and 66 and it considered that these flat windows can be conditioned to be obscure glazed. Beyond this the windows face out onto the car parking area and there is not considered to be direct overlooking issues of existing properties. The west elevation

faces towards the rear of Wordsworth Drive properties and due to the 'L' shaped nature of the new building the majority of flats are over 45m from the boundary. The nearest flats are around 16m from the boundary, however the windows on this elevation are either secondary windows or windows serving the corridors and so second floor level windows can be conditioned to be obscure glazed. There is a third floor terrace on this elevation which could have given rise to overlooking issues, however this has been amended to reduce the size of the terrace and the elevation facing Wordsworth Drive has been amended with a set back to prevent direct overlooking of the gardens. This is considered to comply with policy DM1.

Concern has been raised over construction disturbance and a note to the applicant is proposed to address this. It is not considered appropriate to condition controls over deliveries or construction times as this could not be satisfactorily enforced. Environmental Health have separate controls over noise and disturbance.

### Access and Parking

The access to the site is off Parmin Way and this would not change as part of the redevelopment scheme. The Highway Authority is satisfied that the existing access roads are suitable with adequate visibility and that the traffic generated by the proposal would not be of a scale to be harmful to the area.

There is an existing highway and footway through the site and the proposal seeks to stop up the highway and re-direct the footway through the site. This is considered acceptable in principle and a condition to secure the new footway before occupation of the flats is considered appropriate. The access into the site itself will remain unchanged.

An addendum to the Transport Statement has been submitted to address the use of retirement flats. The site lies within Taunton and the parking standard in the County Strategy seeks 1 space per 8 bedrooms for retirement facilities in locations such as this. The parking levels sought for assisted care retirement sites in the recent past has been 1 space per 3 units of accommodation. On this basis the 33 spaces shown, including 4 disabled spaces, for the 78 units is considered more than adequate and there are not considered to be grounds for objection for lack of parking, despite concerns of local residents. The scheme is designed to provide housing for the elderly and a legal agreement in respect of limiting the age and occupation is considered necessary to ensure the units are occupied as such to limit future parking needs. The parking layout is considered acceptable and a condition to provide a parking scheme is considered unnecessary.

A Travel Plan Statement has been submitted with the scheme which seeks to provide a range of measures and initiatives that accord with the County Council guidance for reducing car travel. These include encouraging cycling and walking through notice boards, staff travel information packs, cycle and motorcycle parking and showers and changing room facilities. The Travel Plan statement is considered appropriate given the nature of the use and the location of the site within the existing built up area and the replacement of existing dwellings and consequently a condition is considered appropriate in this instance.

## Drainage

The site lies within Flood Zone 1, an area identified as at low risk of flooding and the area is served by existing foul and surface water drainage. Wessex Water has confirmed that there is existing capacity to provide for foul drainage to serve the site. The water main through the site will need diverting and this will need to be agreed with Wessex Water.

In terms of surface water the proposed scheme will increase the impermeable area and so would increase run off from the site. It is proposed to regulate run-off flows to no greater than the existing rate and a storage facility in the form of an underground tank is proposed to limit run off during major storms. The Drainage Officer is satisfied that this is suitable. It is considered appropriate to condition the surface water drainage strategy proposed in order to ensure the risk of increased surface water run-off is avoided and this is considered to comply with policy CP8 of the Core Strategy.

## Landscape

The proposal is to demolish the existing dwellings on site and construct new retirement flats. A tree survey has been submitted with the application and indicates that 3 trees will need to be removed (2 maple and an alder), however the majority of trees will be retained and new trees will be planted. The Landscape Officer is satisfied with the scheme and recommends conditions in respect of new planting and tree protection.

## Wildlife

An Ecological Survey and Bat Survey have been submitted with the scheme and there were no bats identified as roosting in the demolished buildings or trees to be removed. There was some bat activity to the north west of the site and the scheme incorporates bat boxes to improve habitat in the area. No other protected species were identified as being affected by the development of the site and the Biodiversity Officer recommends a condition to safeguard habitat and species during construction and beyond.

## Summary and conclusion

In conclusion the proposed development provides a beneficial residential re-use of an existing site to provide an affordable retirement flats and accommodation for those with learning difficulties in a sustainable location. There are not considered to be any adverse amenity, drainage, wildlife or access and parking issues and the development is recommended for approval subject to a Section 106 to control occupancy and appropriate conditions.

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

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



26/14/0017

MRS J WRIGHT

**REMOVAL OF CONDITION No 1 OF APPLICATION 26/08/0009 TO ENABLE DWELLING TO BE SOLD AS SEPARATE DWELLING AT UPCOTT FARM COTTAGE, NYNEHEAD**

Location: UPCOTT FARM COTTAGE, LUCKHAM BRIDGE ROAD,  
NYNEHEAD, WELLINGTON, TA21 0BU

Grid Reference: 314496.123254 Removal or Variation of Condition(s)

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) Location Plan

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

3. The dwelling known as The Little Cottage, identified as such on the approved location plan, shall only be occupied by Mrs Louise Blanch, Mr Robert Blanch and their resident dependants. In the event that it is not occupied as such, the following restrictions shall apply:

The Little Cottage shall be occupied for holiday purposes only.

The Little Cottage shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of The Little Cottage 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.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions, alterations or additions shall be carried out to Upcott Farm Cottage or The Little Cottage and no fences, gates, walls or other means of enclosure shall be constructed or erected at the site without the further grant of planning permission.

Reason: In order to safeguard the amenities of neighbouring residents and the character and appearance of the existing buildings and the local area.

Notes to Applicant

## **PROPOSAL**

This application seeks to remove a condition imposed on a previous planning permission. The property – known as Upcott Farm Cottage, is a permanent residential dwelling for Mr & Mrs Blanch and their resident dependents. Occupation is personally limited to them by virtue of a condition, imposed by an Inspector at appeal. This application seeks to remove that condition to create a permanent residential dwelling.

An adjoining property, known as The Little Cottage, currently has no occupancy conditions, and the applicant indicates that the restrictions currently applying to Upcott Farm Cottage could be exchanged with The Little Cottage.

## **SITE DESCRIPTION AND HISTORY**

The site comprises a detached converted barn, now known as Upcott Farm Cottage. It shares an access with a small cottage, known as The Little Cottage, which has historically been let for holiday accommodation. There are adjoining, modern, agricultural buildings to the northwest and a further dwelling – Upcott – to the southwest.

The planning history for the site is set out below. In this history, Barn A is a barn at the adjoining ‘Upcott’ site, Barn B is now The Little Cottage and Barn C is Upcott Farm Cottage.

26/86/0004 – Conversion of barn (Barn C) to dwelling. Planning permission refused dated 11<sup>th</sup> June 1986 and appeal dismissed on 13<sup>th</sup> July 1987.

26/89/0009 – Retention of 2m high fence. Planning permission Refused, dated 24<sup>th</sup> October 1988.

26/90/0011 – Conversion of redundant barn (Barn A) to dwelling. Conditional permission granted dated 24<sup>th</sup> April 1991.

26/90/0010 – Conversion of redundant barn (Barn B) for holiday accommodation. Conditional planning permission granted dated 24<sup>th</sup> April 1991. Despite the application description, no holiday occupancy condition was imposed. The dwelling can therefore legally be occupied without restriction.

26/91/0005 – Conversion of redundant barn to holiday accommodation (Barn C). Conditional planning permission granted dated 10<sup>th</sup> October 1991.

26/96/0002 – Conversion of redundant barn (Barn A) to dwelling. This ‘renewal’ of permission was granted conditional planning permission dated 21<sup>st</sup> June 1996.

26/96/0004 – Conversion of barn (Barn C) to dwelling. Refusal dated 8<sup>th</sup> January 1997.

26/01/0004 – Conversion of redundant barn (Barn A) to dwelling. This ‘renewal’ of permission was granted conditional permission dated 24<sup>th</sup> October 2001.

On 28<sup>th</sup> February 2008, an Enforcement Notice was served alleging the increase in height of the roof of Barn C and the use of the barn as a permanent residential dwelling. A subsequent appeal was dismissed and the notice upheld.

26/08/0009 – Change of use of holiday let to dwelling and alteration to roof (Barn C). Permission was refused, but subsequently allowed at appeal, subject to a condition that “the building shall only be occupied by Mrs Louise Blanch, Mr Robert Blanch and their resident dependants. This effectively granted permission for the previously unauthorised building works.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*NYNEHEAD PARISH COUNCIL* – Objects for the following reason: The reasons have not changed since December 2013, that the original planning application should be upheld and enforced with the decision of the original appeal being that the applicant’s family use only.

*SCC - TRANSPORT DEVELOPMENT GROUP* - “Refer to standing advice”. Standing advice refers to access visibility and parking requirements.

### **Representations**

6 letters of OBJECTION have been received relating to this application, raising the following comments:

- TDBC made an error in granting permission for occupation of the smaller barn without restriction.
- It has always been the applicant's intention to convert the building for use as a permanent dwelling. She is gradually chipping away to achieve her original goals.
- Unauthorised development took place to increase the headroom and allow the barn to be converted in the first place. It is regrettable that the inspector did not support TDBC in taking enforcement action.
- It is ridiculous to grant planning permission for the conversion of this building to a separate dwelling. The previous events may be water under the bridge, but we would not be here if enforcement action against the unauthorised works had been taken promptly in the first place.
- It would be a travesty to allow these buildings to 'swap' uses, given the, compounding the original planning error and allowing the owner to obtain a substantial increase in the value of her property by default.
- The previous inspector took account of previous personal circumstances and granted the appeal for personal occupation. Nothing has changed in planning law to lead to a different conclusion.
- The current application has no relevance whatsoever to planning matters, but is purely for personal financial gain and so should be of no consequence to TDBC.
- The removal of conditions imposed by the inspector should mean that the original refusal should be upheld and the Enforcement Notice reinstated. Restrictions should not be exchanged with other properties.
- If the restriction is exchanged, then this would in effect grant planning permission for a permanent two-storey dwelling. If this is to happen, then the property should be reinstated to its original size – i.e. reduce the height of the roof.
- If the restrictions were to be exchanged, the smaller property would not offer adequate space for the Blanch family to reside.
- If the Blanch family now intend to reside at the Little Cottage, this calls into question their suggestion that there was no suitable accommodation available for them when permission was originally granted for their occupation of the larger property. Permission could be granted for a trial period of 12 months, with unannounced callers checking that the Blanchs were actually living at the property.

## **PLANNING POLICIES**

EN12 - TDBCCLP - Landscape Character Areas,  
 EN22 - TDBCCLP Dev Affecting Sites of County Archaeological Importance,

## **LOCAL FINANCE CONSIDERATIONS**

None.

## **DETERMINING ISSUES AND CONSIDERATIONS**

This application proposes the removal of the personal occupancy condition placed



on Upcott Farm Cottage by the appeal inspector under application 26/08/0009. As part of this proposal, the applicant indicates that the restriction should instead be placed upon The Little Cottage, which currently affords unrestricted occupation in planning terms. It is considered that, in the event that planning permission is granted, an occupancy condition could be imposed on The Little Cottage that allowed its occupation by the Blanch Family or for holiday accommodation (the previous permitted use of Upcott Farm Cottage). This would avoid any future uncertainty in the event that the Blanch Family did not wish to occupy it. It is recommended that the application is considered and determined on this basis.

It is not considered that the exchange in conditions would have any significant impact upon the visual amenities of the area nor the highway network. The Little Cottage has a close relationship with Upcott, but given the current lack of occupancy condition on this property and the fact that it has historically been used for holiday accommodation, it is not considered that there would be any significant impact upon Upcott, nor any other neighbouring properties.

The main issue in the consideration of this application is, therefore, the principle of the development and planning policy.

The site is in the open countryside, outside the settlement of Nynehead and subject to Policy DM2 of the Taunton Deane Core Strategy. Nynehead itself provides limited services and residents are dependent upon private transport to service most of their day to day needs. The application site is no different and it is considered that the creation of new independent, unrestricted units of accommodation is contrary to policy and would lead to unsustainable development. There is, therefore, a presumption against the removal of the occupancy condition.

Against this, however, is the proposal to place the occupancy conditions currently (and previously) on Upcott Farm Cottage onto the adjoining, property – The Little Cottage. In effect, then, there would be no net increase in unrestricted dwellings on the site. Upcott Farm Cottage is considerably larger (3 bedroom) dwelling than The Little Cottage (1 bedroom). However, it is not considered that the harm that would arise in terms of the need to travel would be substantially greater to the point that would warrant refusal of the application. In terms of the overall development of the area, then, it is considered that the effect would be broadly neutral.

Also weighing in the balance is the fact that Upcott Farm Cottage has been lawfully used as a private, permanent, family dwelling for the last 4 ½ years, since the appeal was allowed. True, this occupation is subject to an occupancy condition and as a consequence of what the inspector considered were the Blanch family's very special family circumstances. However it has been a dwelling and has attracted travel patterns and other impacts associated with such a use. Meanwhile, The Little Cottage has been occupied for holiday accommodation so, to a certain extent, the proposal would maintain the status quo – albeit with unrestricted occupation of Upcott Farm Cottage in place of the personal occupancy condition.

The foregoing considerations indicate that there is very limited, if any, harm that would arise from the proposed development. The representations are largely concerned with alleged mistakes in previous council decisions and the applicant's continued breaches of planning control to manipulate the buildings at the site in such a way that she is now trying to achieve what she has always sought, yet been

refused. The neighbouring resident's frustration is understandable here, but, as pointed out in one of the representations, much of this is now 'water under the bridge' and the application must be judged on its own merits at the present time.

It is, therefore, considered that the proposal is acceptable and it is recommended that planning permission is granted.

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

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

35/14/0015

MR S OWEN

**CHANGE OF USE OF LAND FOR THE STORAGE OF FELLED TIMBER AT APPLEY ORCHARD FARM, APPLEY CROSS, STAWLEY (RETENTION OF WORKS ALREADY UNDERTAKEN)**

Location: APPLEY ORCHARD FARM, BISHOPS HILL, STAWLEY,  
WELLINGTON, TA21 0HH

Grid Reference: 307369.121189 Retention of Building/Works etc.

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

(A1) DrNo 200-01 Site and Location Plans

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

2. The use of site for the storage of timber hereby permitted shall be carried out solely by the applicant Mr Sam Owen and his spouse and shall be limited to benefit the applicant, Mr Sam Owen, only.

Reason: Use by another individual or company could lead to a substantial change in the nature of activities and would need to be assessed on its own merits.

3. The site shall be used for agricultural purposes and the storage of timber only and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To prevent the site from being put to an alternative use that may be unacceptable in this location, without the need for a further grant of planning permission, so enabling the Local Planning Authority to control any subsequent use of the land.

4. The storage of timber shall be restricted to be only within those areas shown

hatched on Dr No JW/0960/0514 200-001 and no timber stack shall exceed 4.0 metres in height above existing ground level.

Reason: To prevent the uncontrolled and unacceptable storage of timber within the site that could adversely impact upon visual amenity and landscape character contrary to policy E8 and DM1 of the adopted Core Strategy.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), the operation of any wood chipping machinery/aparatus within the site shall be limited to twelve (12) days within any calendar year.

Reason: To ensure adequate protection is afforded to the amenity of residential properties and services within the locality, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

#### Notes to Applicant

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

## **PROPOSAL**

The application seeks planning permission for the change of use of land from an agricultural use to Use Class B8 (Storage and Distribution) and for the open storage of felled timber within the site. The proposed use commenced on 1 August 2013 and the application is therefore made in retrospect following the authorisation of enforcement action against the breach of planning by the Council.

The application proposes to store up to 1500 tonnes of wet timber within the hatched areas on the submitted plan. Timber will be stored for approximately 12 months until dried and ready for onward sale or processing. It is estimated by the applicant that up to 60 no. twenty five tonne lorry deliveries of wet timber will be made to the site per year; the applicant is the sole undertaker of deliveries to the site, which are obtained from Forestry Commission and private woodland sites across the South-West region. The application suggests that an additional 45 lorry movements will be made to/from the site in order to distribute processed timber.

## **SITE DESCRIPTION AND HISTORY**

The application site is located to the northwestern corner of an agricultural field to the eastern periphery of Appley. The field is largely laid to grass and descends sharply to the North, away from the public highway. It is bound entirely by native hedgerow and tree planting.

Within the field there are a number of buildings. To the southern end adjacent to the public highway is a small stable building with associated pony paddock. To the northwestern corner is a large agricultural storage building, a small timber shed and a mobile home which is currently occupied by the applicant and family.

The field is served by one vehicular access off the public highway and such is located within the southern field boundary, where a large splayed entrance has been laid, cutting through the original bank and hedgerow. The entrance is laid to compacted hard core; the access track is of compacted stone and runs along a north-south axis adjacent to the western boundary; the track turns sharply west at the bottom of the hill and leads onto a stone yard area that contains the aforementioned buildings and large timber stacks.

With regard to planning history, application 35/09/0008AGN granted prior approval for the erection of the storage building and formation of the track. There is ongoing enforcement action regarding the unauthorised occupation of the mobile home and the storage of timber.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*STAWLEY PARISH COUNCIL* - Stawley Parish Council does not believe this site is a suitable location for a change of use from agriculture to B8 distribution use for the following reasons:

- Distribution uses should be located close to major roads. This site is located on an often narrow and winding country road, including a small bridge, some 2.4 miles from the A38.
- There will be a significant increase in HGV traffic along this country road and the vehicles transporting wood to and from the site are among the largest permitted on UK roads.
- The proposed development will increase the overall need to travel because it involves the transportation of felled timber and woodchip to and from a site that is remote from either the source of the timber or the final distribution point of woodchip to consumers.
- The site is located within 200 metres of residential properties, a village hall and pre-school playgroup with a primary school and shop close by, all of which will be adversely affected by additional HGV deliveries and the noise and dust caused by wood chipping.

The Parish Council has further specific concerns about the application:

- The application red line boundary includes within it an agricultural building, a shed and a temporary home which means that the change of use to B8 is proposed for the whole area and not just the area identified for the storage of wood.
- Without proper controls, the proposed area could become a distribution facility with the potential for industrial and office uses being introduced via permitted development rights. This would clearly be inappropriate in a remote rural location.

- The industrial activity of wood chipping on the site via mobile trailer, which can be undertaken without planning permission for up to 28 days a year, will damage the amenity of nearby residential properties and other community facilities.
- The dust and noise from chipping is potentially harmful, as has been the case elsewhere.

For the above reasons Stawley Parish Council does not support the proposed change of use.

The storage of felled timber is not considered to be a significant visual or landscape concern in this location. However, if Taunton Deane Borough Council should decide to ignore the above comments (and similar ones from others) and approve this application, Stawley Parish Council is of the opinion that, at the very least, a number of firm, enforceable restrictions should be placed on the permission by way of a Section 106 planning legal agreement covering the following matters:

- Change of use to B8 should be for the storage of felled timber only within the area shown hatched on the plan and not for any other form of distribution or industrial use.
- This change of use should be a personal permission that cannot be passed on to subsequent owners.
- Permitted development rights for B8 use on the site should not apply
- The total volume of timber to be stored on site at any one time should not exceed 1,500 tonnes.
- Timber stacks should not exceed 4 metres in height or 5 metres in width.
- Wood chipping on site should be restricted to a maximum of 12 days per annum during the hours of 9am to 5pm and not at weekends or bank holidays.
- HGV deliveries to the site should be restricted so as not to interfere with busy times, such as times of commuting and the delivery/collection of children for school/pre-school, and not at weekends or bank holidays.

The Parish Council believes that the above restrictions would be essential to go some way towards protecting residential and other local amenities. They should be enforced by way of a planning legal agreement rather than conditions that can subsequently be appealed.

Following the submission of additional noise and supporting information:

The Parish Council believes that noise from timber chipping operations on this site is a material planning consideration that should be taken into account by the Council in determining this application.

The National Planning Policy Framework (NPPF, March 2012) states clearly at paragraph 123 that: "Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development."

Bearing this in mind, the Parish Council's specific comments on the additional noise information submitted by the applicants is as follows:

- The statement by the applicant's agent that the distance between the chipping operations and neighbouring properties is 250-300 metres is factually incorrect. The Parish Council's estimates of distance from the present location of the logs are:
  - 100 metres to Appley Pavilion which hosts a Pre-School group and other community activities.
  - 178 metres to the nearest residential property.
  - 200 metres to Stawley Primary School.
- The two documents which deal with noise – one from Forest Research and the other from the Health & Safety Executive - do not provide information on noise that is directly related to the chipping machine that the applicant proposes to use - a Mus-Max Wood Terminator 10 XL Z according to the agent which deals with trees of up to 75 cm in diameter;
- The Forest Research report did look at a Mus-Max machine but this was the Terminator 8, a smaller model capable of cutting trees of up to 42 cm diameter. The Forest Research report is only incidentally concerned with noise output and states that the sound assessments undertaken were "...relatively unsuccessful..." and the data provided should be considered "...only indicative..." In the Parish Council's view this assessment is not relevant and should be ignored;
- The Health & Safety Executive report does contain more detailed noise assessments of wood chippers but it only reviewed a single drum chipper capable of chipping trees of up to 35.5 cm. Again this is not really comparable to the machine the applicant is proposing to use which cuts up to 75 cm trees;
- The HSE report also shows a high noise output from the smaller drum chipper of between 114 & 115 dB(A) depending upon the type of wood to be chipped;
- A bigger machine with a higher output is likely to be noisier. However, even assuming the noise level is 115 dB(A) – as per the HSE report – then this is equivalent to sandblasting or loud rock concert according to decibel loudness comparison charts. It is above the level (95 dB(A)) at which sustained exposure may result in hearing loss but below the level of 125 dB(A) where pain begins.

The Parish Council's view is that a level of noise equivalent to a loud rock concert is not appropriate in the vicinity of local schools and residential properties, even if it is restricted to a certain number of days in the year. The development will give rise to significant adverse effects on the quality of life of those affected and should, therefore, be refused in line with the NPPF.

*LANDSCAPE* - No objection. The main part of the site is set well back from the public road.

*SCC - TRANSPORT DEVELOPMENT GROUP* - In terms of traffic impact the applicant has provided details of traffic movements as part of the Design and Access Statement. The applicant has set a limit of 1500 tonnes of timber on site at any one time. They have indicated that it will be delivered to the site on 25 tonne per lorry load. The applicant states that this equates to 60 loads over a 12 month period. Once the material has been chipped it will be taken off site this will generate 45 lorry loads over a 12 month period. Therefore the applicant has indicated that the proposal would generate a total of 105 lorry loads per annum.

Firstly does this figure equate to a two-way movement or just one vehicle? Would the applicant please confirm this? If not then the proposal would equate to 210 movements per year, which would equate to approximately 4 movements per week.

The vehicles associated with this proposal would utilise an un-named classified un-numbered highway. This can be described as sinuous in nature with limited forward visibility and is narrow with high hedges on either side of the carriageway. As a consequence if two vehicles were to meet it would result in excessive reversing for one of the vehicles. Therefore the Highway Authority would have concerns over any proposal that would result in a significant increase in vehicle movements along this section of highway. From the details provided this proposal would generate approximately 2 vehicles per week, which equates 4 movements per week. This is not considered to be a significant increase in vehicle movement to warrant an objection on traffic impact grounds. It is noted that the route would require the lorries to cross a bridge at Greenham. Having consulted with Somerset County Council bridges section the Highway Authority is satisfied that this bridge is able to take the 40 tonne weight limit.

In terms of the point of access the apron is consolidated and surfaced with drainage and provides sufficient width to allow larger vehicles manoeuvre. Regarding visibility from on-site observations suitable visibility can be achieved to the right of the access however the visibility splay to the left is limited which would normally be a cause of concern to the Highway Authority. However due to the nature of the approach roads vehicles speeds past the site are lower therefore the splay could be considered acceptable.

Therefore based on the above information the Highway Authority raises no objection and if planning permission were to be granted the following conditions would be need to be attached.

- There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines 2.4m back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

*ENVIRONMENTAL PROTECTION TEAM* - I note that the application is for the storage of timber, which in itself is not a noisy activity.

However, the information with the application mentions that it is proposed to chip the wood on site once it is seasoned. Chipping of timber can be noisy. There is no information on noise levels provided with the application so it is not possible to make an objective comment on how loud it will be at any nearby premises.

It is likely that the chipping will happen where the timber is located (to minimise movement of material), therefore, I would recommend that the wood is stored as far from any residential or other noise sensitive properties as possible, and that any chipping takes place away from other premises and out of line-of-site if possible.

The supporting information states that chipping will only take place on 12 occasions



a year and so does not need planning permission. If it is only once a month this will reduce the potential disturbance. However, the applicant should be aware that even though an activity does not require planning permission the Council will still have a duty, under the statutory nuisance legislation, to investigate any complaints that are received about noise.

Comments following submission of additional information:

I refer to my email of 9<sup>th</sup> October 2014. Some additional information has been submitted regarding noise from the chipping (HSE guidance, Forest Research project information note and information on Mus-Max mobile chopping machines). There is also an email from the agent stating that it is proposed to carry out chipping 12 times a year for 2.5 – 5 hours a day.

The email from the agent says that one report mentions an output at source of 83-85 dB whereas the HSE report advises that operators may be exposed to levels reaching 107dB(A). However, the additional information does not provide specific details of the plant that will be used on site or the potential noise levels either on site or at any other properties in the area.

Therefore, I cannot add anything to my previous memo. I would stress that it would be best for any chipping to be carried out as far from residential or other noise sensitive properties as possible.

## **Representations**

11 letters of SUPPORT from local residents and members of the public, making the following planning related comments: -

### Principle:

- We should be supporting young local people who are using their land to make a living;
- Just because it is a small village doesn't mean people cannot or are not allowed to run a business;
- This is part of diversification and will offer a credible alternative income contributing towards the development of their agricultural enterprise in the future;
- The supply of wood chip as an energy source is fully supported by the government and environment agency;
- Rural communities only survive due to hard working farmers or entrepreneurs like the applicants and they should be fully supported;
- Farmers have to diversify and expand the use of land or else the countryside will fall into decline;
- The storage of timber for woodchip and its end use is environmentally sound. No different to growing corn for bio-fuels;
- Concerned about the issue of trying to prevent development of local enterprises which are badly needed in the area;
- The application offers and fantastic opportunity to produce low impact sustainable fuel from a well managed single operator operation with minimal disruption;

- It is our duty as neighbours, friends and members of the Ten Parishes Community to support local enterprise wherever we can and to work together to ameliorate our community for future generations;
- Fail to comprehend how the storage of felled timber on land in the South West, a part of the country full of forestry commission and private sites, can cause such uproar when the government encourages biomass and becoming less reliant upon fossil fuels.

#### Transportation issues:

- The access to this property gives a large splay with good vision. We are all glad to use it as a passing point and people in the pavilion have been seen parking on it;
- The farm is on the edge of the village and vehicles will not be passing anyone's home in the Parish;
- Every farm in the Parish is visited regularly by bulk feed tanks and milk tankers not to mention the ever growing size of farm machinery. That's progress
- Milk lorries pass through to Ashbrittle daily;
- My children go to the school and pre-school and have no problem walking them up and down the roads;
- We use the road from the A38 to Appley and regularly meet tractors and milker tankers. It is part of living where we do, so have no problem meeting the occasional lorry;
- If the land was intensively farmed it would generate a considerable amount of road usage. Not just for a few weeks a year but all year round;
- Surely a few weeks of lorries hauling timber and wood chip is acceptable to make good use of the land?
- The perceived overloading of the country lane needs detailed consideration, but such a problem is not insurmountable.

#### Amenity issues:

- The timber is stacked professionally and safely;
- The creation of the wood chip has no more of an impact in terms of noise, dust, heavy traffic than any other arable farming during the summer months;
- The local quarry creates insurmountable amount of HGV, noise and pollution compared to this tiny proposal;
- My horses share the fields with those of the applicant and I have first hand experience of the use of land. Was on site for the full day when chipping occurred. It was noisy but did not worryingly disturb the horses when led past. It was intermittent and lasted only a few hours. If limited as suggested, happy to live with the limited inconvenience;
- Having seen the applicant bring in and stack the logs I have no concern about any dangers that may occur on the road, down the track or those passing the stacks on foot and fully trust his care and expertise and his consideration to restrict disruption to neighbours;
- Satisfied that the planning department can put in place restrictions preventing this from becoming anything other than some small inconvenience to locals;
- The processing equipment is no more invasive than that of agricultural equipment used on a daily basis across the Parish;
- Given processing times are strictly controlled by the applicant see no reason why

this would present any issues;

- The noise from the shredder on trial run was excessive in terms of decibel count but higher tech shredders could significantly reduce this;
- The right balance can be achieved by restricting times for deliveries and vehicle movements, providing such information to the pre-school, primary school and Parish news, use of low decibel shredder, and restricting the size of all collection vehicles;
- Suggestions that the applicant has not demonstrated health and safety considerations is absurd.

#### Landscape:

- The applicant manages the site in a professional and exacting manner with no visible equipment;
- The stacked timber offers an attractive outlook from the road which is a common site in the county and Quantock Hills in particular;
- The land is enclosed by hedges and fences and the application will not inhibit any neighbouring view.

9 letters of OBJECTION from local residents, members of the public, Appley Pavilion Committee and Stawley U5s Pre School Committee, making the following planning related comments:

#### Principle:

- We should not be looking at whether the current individuals would be considerate, minimise disruption to neighbours, restrict usage etc. and it is not relevant. Ownership can change;
- Who will control future intensification and monitor the business if permission is granted?
- There is no money in the storage of timber, the money is what you do with it on site;
- This is not agriculture, it is storage and manufacturing and belongs in industrial sites not agricultural fields;
- The use of biomass by rural businesses such as farming and chicken sheds is not accurate - Sainsbury's are one of the biggest users and major housing developments, hospitals, schools etc;
- This is not a precedent that should be set;
- This is an inappropriate location for a B8 use and could easily be varied within the use class in the future leading to significant HGV movements;
- The Parish Council's recommendations on a limited Use Class and personal permission are encouraging, but these restrictions could be removed or bypassed in the future. Not granting permission is the only safeguard;
- The Council has already determined against the issues here under recent enforcement action. There is no way of the Council assessing or controlling the volume of timber on this site;
- The application does not seek the industrial use referred to within the submission documents for the processing of seasoned timber which causes substantial noise pollution to residential properties;
- The application is flawed as it does not consider the possibility of partially seasoned timber being brought onto the site to be processed, thus increasing the

impact of pollution, transport etc.;

- The timber stored alongside the track could not be accommodated within the hatched area on the submitted plan; the plan is inaccurate; no details of where processing would take place have been provided;
- The use is not rural, it is general industry and not suitable for the site, neither is a B2 industrial use for processing timber;
- It breaches Taunton Deane Adopted Core Policies DM1 b, e and f. and does not satisfy DM2, SP1, SP4, CP2, CP4 or CP8;
- Taunton Deane would be setting a precedent for the industrialisation of rural, residential, and agricultural land.
- Based on the applicants information, the storage requirement is actually 3600 tonnes and not 1500;
- The use could compromise the viability of the pavilion and pre-school, being off putting to potential users and sources of income;

### Transport issues:

- The numbers quoted in the application do not correlate with those in an open letter to Parishioners from the applicants. Vehicle movements are considered to be very much underestimated. They could result in 2,240 movements per year and road infrastructure is incapable of taking HGV traffic near this volume.
- Vehicle movements would be 1064 HGV journeys per annum based upon applicants data;
- Concerned about size and frequency of vehicle movements so close to pre-school and school;
- The pre-school and school have large catchments meaning more children in cars for periods of the day;
- The feeder road to the A38 is narrow and twisting and already well used as a principle means of access for several villages;
- This use would be more appropriate at an isolated commercial zone closer to the A38;
- The Acorus report forgets to mention the return trip in vehicle movements, but how will it be policed?
- If a second chipper is purchased the HGV movements would intensify;
- No plans to support assertion that a safe access can be provided;
- The road is delineated, but what measures would be in place to limit vehicle speeds that access/egress the site?
- Only a 20mph speed limit can protect safety of pedestrians and road users;
- The pre-school regularly walk up to the primary school passing the site. A previously mentioned path would be needed to ensure safety;
- The Planning Department and Transport Development Group have been using inaccurate and incomplete best-case information.
- The Applicant's site lies past the entrance to the Appley Pavilion, a Preschool site, from which preschoolers take escorted walks to the nearby Primary School and playground. Preschoolers are also walked to the Pavilion along the single lane country road. Add over 1,000 HGVs?
- This application must be rejected because it will cause "*overloading of access roads*" and "*road safety problems*" and is, therefore, in breach of Taunton Deane's Adopted Core Policy DM1.
- Taunton Deane's Planning Department have been working from best-case figures when considering the case so far. As have Highways. At the very least, Taunton Deane must place reasonable, measurable and enforceable Conditions

on any permission given, which limit HGV movements, or limit the static quantity of stored timber.

- Restrict B8 industrial use solely to the *storage of timber and processing for distribution as woodchip (not sawn timber)*;
- In addition, Taunton Deane should perform at least a very basic calculation of the potential road usage implied by the application, rather than rely on the figures given;
- Precedent - I can find no record of similar small green field sites, in rural residential areas, being converted to Industrial B8 use for Felled Timber Storage on Taunton Deane's Planning website. This application would become the precedent for similar proposals on sites Taunton Deane;
- Increase in large vehicle movements past the school gates will compromise child and parent safety;
- Articulated lorry movements over the cycle route and a WWII bridge is not acceptable.

#### Amenity considerations:

- I would not be objecting but for the noise that the applicant will inflict on his neighbours and concerns over safety;
- Noise from the chipping process is excessive and was bad enough in July. It would not be appropriate to grant permission for this process given other neighbours live closer to the site, even if the permission contains conditions against handling and processing on weekends and bank holidays;
- It is reasonable to expect wood chipping to take place during or at the end of good spells of weather and not during wet periods as dry chip is more efficient;
- Is it appropriate to allow the stacking of timber so close to a dwelling or for it to be hauled and processed so close to a dwelling?
- The nearest timber is some 100m from the pre-school play ground; the dust and fumes are very bad for children as is loud noise;
- The village shop and its produce will be affected by dust and fumes;
- Noise will affect teaching at the school with windows open in the summer;
- The road is a national cycle route which will be affected by huge lorries, becoming dangerous;
- We have already experienced the horrendous repetitive noise from 7.45am to 5pm on the day of the previous chipping. All windows were closed due to dust cloud blowing in the village's direction;
- Policy DM1 of the Core Strategy mentions noise and dust as consideration to development proposals. Limited information provided but understand noise from a chipper is approx 115dB. Such noise levels in a residential area is unacceptable. Could the chipper not be placed in a sound proofed building?
- The experience of noise pollution from the site when operating a wood chipper can only be described as horrendous;
- Storing felled timber is incompatible with adjacent residential usage due to safety.
- Whatever figure of timber is stored, the submitted plans show the current temporary residence on the site (the subject of enforcement Notice E/0033/35/14) remaining in its current location, directly in line with the end of a stack of timber, immediately adjacent to the HGV access/turning, and immediately adjacent to the spot already used for the industrial woodchipper. This timber storage application will likely jeopardise any future application for residential occupation, on safety and suitability grounds? At the very least,

permission for the storage of felled timber must not be considered while any residential unit is still in place;

- Industrial drum wood chippers are noisy, as are sawmills. I do not have information on the type of equipment used, or to be used, but assume that it may be at least one drum chipper. From the limited information available online, it appears that these chippers can produce around 115dB sound power, *Health and Safety Executive 2008*. This compares to 110dB for a “Night Club with Band Playing”, and 120dB “Threshold of Pain”, according to research available online from the *University of Wisconsin*. Comparable to tractor based hedge cutters and other equipment, maybe. However, the day-long noise generation from an uncontrolled wood chipping site over 28 days is of a different scale to occasional passing agricultural equipment;
- The plume of dust produced by chipping is also a material nuisance, and potentially a risk to the health of neighbouring residential and educational neighbours;
- Noise and dust from wood chipping will make using the outdoor pre school area difficult, the use of which is an Ofsted requirement;
- Noise will make communication between staff and children at the pre school difficult.

## **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,

## **LOCAL FINANCE CONSIDERATIONS**

The proposed B8 use would not be liable for a charge under the CIL Regulations, and the proposal would not result in the payment of any New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider in determination of the proposed development are the principle of the proposed change of use of land to Use Class B8, the consequent impact of the proposed timber storage operation upon visual amenity and landscape character within the area; access and transport issues and general amenity within the area and the impact of timber processing upon the amenity of the area, particularly local services, and residential properties.

### Development principles

The site is currently used for agricultural purposes; the storage of timber which is felled off site, falls within Use Class B8 of the Use Classes Order. Objections have

referred to the industrialisation of the countryside, which would have knock-on impacts upon highway safety, neighbouring amenity and the landscape. It is suggested by objectors that this would set a dangerous precedent within Taunton Deane.

The Council's Core Strategy is generally supportive of economic development within rural areas, as is the National Planning Policy Framework, especially where development is small scale. Policy DM2 of the Core Strategy only supports B class land uses where they involve the re-use of an existing, or erection of new small scale building. Therefore the proposal is technically contrary to Policy.

The storage of timber is a B8 use. That said, timber storage is an operation which does occur within rural areas, as forestry is a rural activity and storage of the material is likely to be much less costly within rural areas than urban industrial estates. Often, timber storage occurs at the location where it is felled; this, however, is not a forestry business, although it bears similarities. In this case, the applicant sources timber from across the South West and not one or two sites, therefore the opportunity to store timber at a forestry site is not available to the applicant or his business. Furthermore, timber storage is, in my opinion, a use that is compatible with a rural location and therefore it is in principle an acceptable use of land subject to other material considerations also being satisfied.

As noted by the Parish Council, alternative uses that fall within Use Class B8 and those uses to which a change can occur without the need for planning permission might not be suitable in this location and therefore restricting the use to timber storage only would be necessary should permission be granted. A personal permission would also be reasonable, given that partial justification on the change of use, contrary to policy, comes out of the applicants local connection and historic residence to Appley.

#### Visual amenity and landscape character

At present there are stacks of timber sited along the access track as it descends north away from the public highway, as well as around the periphery of the yard area and agricultural building to the northwest corner of the field. Enforcement action was authorised previously as a result of the adverse visual impact that results from the timber stacks parallel to the access track that are clearly visible from the public highway. The siting of the timber stacks around the periphery of the yard were not of major concern from a visual impact perspective.

The application proposes to remove the timber stacks that are adjacent to the access track (as is required by the Enforcement Notice) and to provide for the storage of timber around the periphery of the yard and agricultural building only. The timber will be stored in single and double stacks with a height not exceeding 4.0m above ground level. Single stacks will have a width of 2.5m and double stacks 5.0m. The site for storage is in a relatively well screened corner of the field, where a large agricultural building has previously been permitted. At the time of granting consent for prior approval, officers noted that the building would not have a significant impact upon landscape character and the proposal was also supported by the Landscape Officer.

The visual impact of the timber storage proposal has not attracted objection on visual amenity grounds. The Parish Council have confirmed that they do not consider it to be an issue on grounds of visual impact. The Council's Landscape Officer does not object on visual amenity grounds. The proposed timber stacks would be well screened from public view by the clusters of tall trees and lines of mature hedgerow that bound the field.

An increase in the level of timber stored on the site could lead to additional storage areas that might be more visible than that proposed. As such, it seems reasonable to control the height of stacks and the areas to be used for storage in order to put a natural restriction on the level of timber stored at the site.

For these reasons, the proposed storage of timber is not considered to result in any significant harm to visual amenity or landscape character, subject to it being stored only within the areas indicated on the proposed plans. This can be secured by way of condition. The proposals are considered to comply with Policies DM1 and CP8 of the Core Strategy in this regard.

### Transport and highway safety

Significant objection has been raised by members of the public with regard to highway safety and concerns over the local highway infrastructure being incapable of accommodating increased HGV movements that would arise from the proposed timber storage. The Highway Authority have now commented at the Council's request, having previously referred to standing advice. Taking into account the figures provided by the applicant they do not consider there to be a significant increase in vehicle movements associated with the proposed development. The Highway Authority accepts that access onto the public highway provides for a good level of visibility and access/egress to and from the site is not considered to represent a highway safety issue, even with an increase in vehicle movements.

The primary consideration is the impact of additional HGV movements over the local highway network. In this respect, Greenham Bridge is capable of taking the additional traffic as noted by the Highways Officer. Having visited the site a number of times, an insight has been gained which suggests the primary use here be of storage, and not distribution. Logs are stored for approximately 12 months and are done so on a cycle so that dry timber can be used as a biomass fuel once processed on a somewhat irregular basis.

Two objectors have questioned the validity of the figures provided by the applicant in relation to anticipated vehicle movements. For clarity, they have provided figures for both the timber storage, which would equate to 60 two-way movements per year (120), and wood chipping which would equate to 45 two-way movements per year (90). In total this would represent 210 vehicle movements of 25 tonne transporter lorries per year, however care should be taken over considering wood chip transportation as such is purely a by-product of the storage.

Local objectors suggest that there would be anywhere between 1000 and 2500 (approx) movements per year. I am of the view that there will be more than 210 vehicle movements to and from the site per year, but it will not be significantly higher than this figure, particularly if the level of timber stored on the site is controlled by the



Council through planning conditions. The delivery of 1500 tonnes of cut timber for storage and drying would require 60 inward HGV movements to the site per year (and 60 outward) by a 25 tonne lorry. In addition there will be the personal movements of the applicant and any other employee or contractors. Against this one would need discount any existing and potential use of the site as an agricultural use.

From my visits to the site, the business and level of timber proposed to be stored would not generate such a high volume of vehicle movements as to represent a significant additional risk to highway safety. It is possible for the Council to control the level of movements by restricting the tonnage of timber stored on the site and also restricting the number of HGV deliveries that can be made in any continuous twelve month period. It is considered that these controls will provide suitable protection to highway safety the infrastructure.

Comments made with regard to the safety of pedestrians are noted and especially of children, however the level of vehicle movements will be very low on a weekly basis and will be partially offset by a potential reduction in agricultural vehicle movements associated with the land concerned. I consider that the proposed use would not result in any additional significant harm to pedestrian safety over and above that which currently exists.

#### Noise impact of timber processing

The application has received a mixed response from the public, with both support and objection being made for various reasons as has been summarised already within this report. With regard to the objections, the most numerous and significant concerns relate to the use of a wood chipper at the site, which the applicant uses on a relatively infrequent basis to process the stored timber for use as a biomass fuel. The application does not seek planning permission for the use of a wood chip machine to process the timber and, from the information provided by the applicant, the wood chip operation is to occur no more than twelve days per month. Some days may last longer than others as it is largely reliant upon the timing of distribution lorries and their arrival to the site on time. Following a complaint to the Council, the Senior Planning Enforcement Officer confirmed that the operation of the wood chip machinery falls under the 28 day rule and does not require a change of use to the site of operation if it does not exceed this period.

Notwithstanding the above, there is an inextricable link between the storage of the timber and its processing on the site. It is unlikely, in my view, that the timber would be stored in this location were it to then require additional transporting to alternative premises for processing. The impact of the timber processing must therefore be considered in association with the development being sought by the application. As a consequence, additional information was sought in relation to the likely noise impact from the operation of a wood chipper on the site, and duly a suite of information and reports have been provided by the applicant, although no noise survey of the machinery used and its impact locally has been provided. The chipper used at the site is a Musmax wt10 xlz tractor mounted chipper. The agent has advised that no manufacturer noise data is available on this model and has provided noise information relating to other, similar machinery instead.

The most pertinent issue to consider with regard to noise is the level of disturbance and its impact upon nearby properties, particularly those in residential use. It is

therefore important to consider the level of noise generated through the operation of wood chipping machinery and the frequency to which the activity occurs.

It has been continuously reiterated by the applicant throughout the process that wood chipping will occur on the site up to a maximum of twelve days per year. The frequency of chipping operations will be naturally restricted by the amount of timber that can be stored on the site. It takes a prolonged period of time to season timber; this together with and the limited space applied for in which to store timber will naturally restrict the amount of seasoned timber within the site that is ready to chip at any one time. 12 days of chipping seems to be a reasonably accurate forecast when taking into account the rotation of timber stored on the site. Notwithstanding, the Council can, if necessary, ensure that the frequency of chipping is appropriately controlled by way of condition.

Unlike many manufacturers, Musmax do not provide noise data for their machinery. The most comparable data provided by the applicant is that from a Forestry Research Commission project, which assessed the Musmax wt8; the applicant uses the Musmax wt10 which is understood to be a slightly larger machine. The noise output from the Musmax wt8 was found to be in the average region of 83-86 dB (A). It would therefore be reasonable to assume that the larger wt10 model here would result in an increased noise level due to its handling of larger sized timber and that its output is almost double that of the wt8 model, when measured in cubic metres of timber processed per hour.

Environmental Health have not been able to provide definitive advice on whether the proposed chipping operation would result in a significant impact upon the amenity, health and safety of nearby residents and businesses and continue to state that any complaint would be assessed under their separate legislation. Notwithstanding, a decision needs to be made as to whether the wood chipping operation, in this location, would have an unacceptable impact upon the area and its residents. From the information available and through further noise level comparisons, the impact of noise being generated by the operation of a wood chipping machine in this location is not considered to be so significant as to warrant refusal. The limited number of days per year on which the activity takes place, the distance between the operation site and nearby properties, the change in levels and screening from banking, trees and hedgerows will reduce the level of disturbance experienced by local residents. Were wood chipping to take place on a daily basis then the harm and disturbance would be more significant, however subject to the operation being limited as set out above, the impact will, in this instance, be acceptable.

### Conclusions

The application does not specifically seek a change of use to the agricultural building, shed or mobile home and therefore despite falling within the application red line, the concerns of the Parish Council can be allayed.

The storage of timber is considered to be a use that is compatible with the rural area, indeed there are a number of small areas used from time to time to store cut timber. The storage element would not result in any adverse impact upon local residential amenity, with properties being some 200 metres away and vehicle movements should not increase through the village of Appley itself. The proposal, inclusive of any wood chipping activity, would not result in any significant harm to

visual amenity or landscape character, amenity or highway safety. It is therefore recommended that planning permission be granted subject to conditions.

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

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

35/14/0023

MR & MRS S OWEN

**ERECTION OF POULTRY BUILDING (UNIT 1) WITH ASSOCIATED INFRASTRUCTURE AND FORMATION OF VEHICULAR ACCESS AT APPLEBY ORCHARD FARM, APPLEBY CROSS, STAWLEY**

Location: APPLEY ORCHARD FARM, BISHOPS HILL, STAWLEY,  
WELLINGTON, TA21 0HH

Grid Reference: 307479.121168 Full Planning Permission

---

**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:

(A1) DrNo 200-01 Location Plan  
(A1) DrNo 200-02 Survey Plan  
(A1) DrNo 200-03 Site Plan  
(A1) DrNo 200-04 Site Plan  
(A2) DrNo 200-05 Floor Plan and Elevation Unit 1  
(A3) DrNo 200-06 Site Sections

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

3. The roof of unit 3 and its associated bulk feed bins shall be finished in the colour of 'merlin' grey (BS: 18B25) or equivalent in accordance with the e-mail received from the Agent dated 19th January 2015. All other colours shall be as submitted on the plans hereby approved.

Reason: Merlin grey is acceptable to the Local Planning Authority for the roof and the bulk feed bins as it is recessive and will blend the development into the landscape as required by policy CP8 and DM1 of the adopted Taunton Deane Core Strategy.

4. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use.

Reason: To prevent pollution of the water environment in accordance with policy DM1e of the adopted Taunton Deane Core Strategy.

5. The proposals hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures suggested in the Ecological and protected species survey submitted by Eco-Check Consultancy dated September 2014 and received by the Council on 1st December 2014.

Reason: To ensure that the maximum amount of protection is afforded to wildlife, particularly protected species, in accordance with the Wildlife and Countryside Act 1981 (as amended), the Conservation of Natural Habitats and Species (Amendment) Regulations 2012 (also known as the Habitat Regulations), the National Planning Policy Framework and policy CP8 (Environment) of the Taunton Deane Core Strategy adopted September 2012.

6.
  - (i) Before any part of the development hereby approved is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

#### Notes to Applicant

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

grant of planning permission.

2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. If the total number of poultry places of all 3 sheds exceeds 40000, the installation will require a permit from the Environment Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement.
4. The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance.
5. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.
6. The storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage.
7. Storage and delivery areas for feed should be constructed in such a way as to minimise the risk of runoff or dust causing pollution.
8. Storage of litter should be on an impervious base with contained drainage. If,

however, this is impractical, it may be acceptable to use *temporary* field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code).

## **PROPOSAL**

This application is one of three that seek in total to provide new accommodation for 40,000 poultry on the existing farm holding at Appley Orchard Farm. The intention is to develop a free range broiler (meat) enterprise to meet the growing demand within the U.K. market. This application (unit 1) is designed to house 14,000 birds. Externally, the building will measure approx. 99 metres by 13.1 metres, including the control and store rooms. A further building adjacent will provide housing for the biomass boiler. This is indirect heating, as an alternative to LPG, utilising chipped timber and ensures drier litter which leads to reduced carbon dioxide and ammonia (natural bi-products of poultry manure).

The proposed building is of a timber framed construction, with brown timber horizontal shiplap boarding on the gable and side elevations and polyester coated profile steel sheeting (proposed juniper green) on the roof. Roof guttering and downpipes will connect to new soakaways. Windows are also provided to maximise natural daylight into the unit.

Popholes along each elevation provide access during daylight hours to the external grazing area. Stocking density is in accordance with the highest welfare codes of standard at 10,000 birds per hectare. At night the birds are shut in the building.

Externally the proposal is to provide 2 fully enclosed galvanised steel bulk bins, each with a capacity of 15.2 tonnes, measuring 3.15 metres in diameter and 5.79 metres in height.

The unit will be accessed by an extension to the existing approved driveway that runs from the highway network to the barn. As part of a previous application (35/09/0008AGN - Prior approval granted for the erection of the storage building and formation of the track, Feb 2010), improved access provisions were made to the junction of the drive with the highway to enhance visibility and so no further modifications are considered necessary.

## **SITE DESCRIPTION AND HISTORY**

The farm is situated on fields lying to the east of the Hamlet of Appley. The land is served by one vehicular access off the public highway where a large splayed entrance has been laid. This was granted permission in February 2010. The entrance is laid to compacted hard core with the access track being of compacted stone. The track turns sharply west at the bottom of the hill and leads onto a stone yard area that contains a mobile home which is currently occupied by the applicant and his family and an adjacent ancillary timber building used as a utility room and domestic storage area. The mobile home and timber shed are the subject of another application also on the agenda for this committee. This unit (no. 1) is proposed in the fields to the east of the existing driveway, barn and mobile home. The total land holding of Appley Orchard Farm extends to more than 20 acres.

With regard to planning history, the following applications are relevant –

35/09/0008AGN - Prior approval granted for the erection of the storage building and formation of the track (Feb 2010).

35/14/0015 - Change of use of land for the storage of felled timber at Appley Orchard Farm (retention of works already undertaken), first presented to members last year and deferred for further investigation on noise issues. Now an application also on this committee.

35/14/0021 - Extension to agricultural building, concurrent application also on this agenda.

35/14/0022 - Change of use of land for the siting of a mobile home and storage/utility room, concurrent application also on this agenda. There is ongoing enforcement action regarding the unauthorised occupation of the mobile home and the storage of timber.

35/14/0024 - Formation of poultry building with associated infrastructure (unit 2), concurrent application also on this agenda.

35/14/0025 - Formation of poultry building with associated infrastructure (unit 3), concurrent application also on this agenda.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*STAWLEY PARISH COUNCIL* - Stawley Parish Council has convened an Extraordinary Meeting on Monday 19th January 2015 to consider all these related planning applications. The Parish Council will respond formally to all these applications once it has had a chance to hear the views of the local community and consider the proposals as a whole at this Meeting. They intend to submit comments by Friday 23rd January at the latest before the close of public consultation on the three poultry shed applications.

*BIODIVERSITY* - The site is located approximately 350 metres south of Kittisford Wood Local Wildlife Site and to the west of the river Tone Local Wildlife Site. The site and its adjacent boundaries comprise of bare ground, broadleaved woodland, grassland, ditches and species poor hedgerows and trees. The application is submitted with an up to date ecological and protected species survey, which shows that the site interior is of low ecological interest and that the main ecological interest on site is found in the marginal habitats which are to be retained.

Planting required to settle the new buildings within the landscape should consist of native trees so that they will also be of benefit to wildlife. Conditions are suggested to protect the Local Wildlife Sites particularly from noise and light pollution.



*LANDSCAPE* - The site is located within landscape character type 15a (Brendon Fringes). The isolated location and scale of these poultry houses would be out of character with existing agricultural buildings in this rural and tranquil landscape. However, due to local topography and existing tree cover, the buildings will not be easily viewed from the public road. There may be limited glimpses of the units from the West Deane Way to the north of the site in the winter months. This can be ameliorated with a robust landscaping scheme which will help settle the buildings in the landscape.

I would prefer the roof to be a dark grey colour rather than juniper green. In addition the taller hoppers should be painted a dark colour to help make them less prominent in the landscape.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Have observations to make on this proposal which will follow.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - Has no objections or observations to make on the proposal.

*ENVIRONMENT AGENCY* - The Environment Agency has no objection in principle to the proposed development, subject to the inclusion of conditions which meet the following requirements.

Condition:

No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use.

Reason: To prevent pollution of the water environment.

The following informatives should be included in the Decision Notice.

If the total number of poultry places of all 3 sheds exceeds 40000, the installation will require a permit from the Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement.

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance.

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

The storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage.

Storage and delivery areas for feed should be constructed in such a way as to minimise the risk of runoff or dust causing pollution.

Storage of litter should be on an impervious base with contained drainage. If, however, this is impractical, it may be acceptable to use *temporary* field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code).

## **Representations**

Two letters of OBJECTION have so far been received. One of these has subsequently been withdrawn by the author. This just leaves 1 objection. However it should be noted that the consultation period will run until 27th January, so any additional representations received will be reported to Members at the meeting.

Comments made against are –

- This has come quickly off the back of enforcement action by the Planning Committee which has not been adhered to;
- If these applications go ahead we would have the new barn, mobile home, stacks of logs, and three chicken houses on a 20 acre site;
- The waste from the chicken houses would have to be stockpiled as spreading is weather dependant. This has a health risk of rats and flies which is not a good idea so close to the pre-school, school and residential properties.

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERSATION**

This application is not liable for a CIL contribution nor will it result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main determining factors in this case are -

- Planning policy;
- Visual amenity;
- Residential amenity;

- Highways and traffic implications;
- Environmental health issues; and,
- Landscape and biodiversity issues.

### Planning policy considerations

At the heart of the NPPF is a presumption in favour of sustainable development. This is explained as meaning that Local Planning Authorities should positively seek opportunities to meet the development needs of their area, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. To assist in this regard, paragraph 28 of the NPPF states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity and promote the development and diversification of agricultural and other land-based rural businesses. Paragraph 56 clarifies the need for good design as a key aspect of sustainable development. Paragraph 109 talks about the need to enhance the natural and local environment. It is Officer's opinion that the LPA should assist in the requirements of para. 28 by approving this proposal. The requirements of paras. 56 and 109 can be achieved with some minor alterations to the scheme (see below). Therefore there is clearly not any breach of the National Planning Policy Framework.

The NPPF and planning law makes clear that planning applications for planning permission must also be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the relevant policies within the Adopted Core Strategy are –

- CP8 - (Environment);
- DM1 - (Development Management general requirements); and
- DM2 - (Development in the countryside).

These policies support new non-residential buildings in the countryside which are commensurate with the role and function of the agricultural unit, so long as the natural environment is not harmed and basic development management requirements are met. It is considered that the development of a poultry business within an existing agricultural holding, in an agricultural area is appropriate in a rural setting. The design is typical of a poultry unit and is widely used up and down the country in rural areas. Its design can be improved in terms of its colour scheme to make it blend further into the rural landscape (see below). On this basis the proposed unit is not considered to cause any environmental detriment and it will not cause any residential detriment (as discussed below), and so the proposal is considered to meet the tests of the policies within the Core Strategy.

### Visual amenity

The proposed site is not visible from any public vantage point or from any nearby Public Right of Way, because it is located down in a dip, is well screened from view by boundary hedging and trees, and is not unduly tall. It is considered that one might get glimpses of it from the West Deane Way to the north of the site in the winter months, but this would be at some distance. This can easily be ameliorated with a robust landscaping scheme which will help settle the buildings in the landscape. It is also thought that the colour chosen for the roof and the bulk storage

bins should be altered to a more recessive colour in order to help blend it into the landscape. The Agent has agreed to make this change and suggests 'merlin' grey for the roof and the bulk storage. This is acceptable. On this basis it is not considered that anyone would suffer any form of visual detriment as a result of this proposed unit. In any event this is clearly an agricultural building in an agricultural area where such structures are not uncommon features within the British countryside. Thus, it is considered that there are no issues with detriment to visual amenity that would justify refusal and the proposal is acceptable on this ground.

### Residential amenity

The nearest residential property is at least 360 metres away, and it is hardly visible to the naked eye from the proposed location for unit 1 due to tree and hedge cover both in the foreground and at the edge of the agricultural unit, due to the lie of the land being much lower than the road through Appley, because it is not an unduly tall structure and due to the approved farm barn being within the line of sight. There really are no grounds for concluding that the proposed unit no. 1 would have any impact on residential amenity whatsoever. It is possible to see Stawley pavilion from the site, but even this is over 300 metres away and would be well screened in the summer by an existing line of deciduous trees. This does not in any event have any residential element. The only residential properties are to the west and the north-west. There is only countryside without any buildings to the north, the east and to the south of this proposed site. Therefore no residential property will suffer any form of detriment as a result of this proposed poultry unit because it would simply be too far away to have any impact.

It is noted that there has only been one letter of objection received so far, although at the time of writing, the consultation period has yet to expire. Any further representations received will be reported to Members at their meeting. The one letter so far received which had reservations about the proposal did not make reference to residential amenity detriment. Instead it referred to the enforcement issues, the amount of proposed building on the site and potential difficulties with poultry waste (manure).

On the basis of all of this, it is reasonable and appropriate to conclude that this proposal is in accordance with policy DM1e (which includes residential amenity). There are no reasonable grounds for refusing the proposal on this ground.

### Highways and transportation issues

The broiler unit, as with most poultry operations, will have a set production cycle, and so traffic movements associated with it are predictable. It will have a 66 day cycle based on 56 days of rearing and a 10 day cleaning period. During this time, the number of vehicle (lorry) movements will be very low by agricultural standards, estimated to be less than 2 every week on average. Given the amount of traffic that uses the road between Greenham and the A38, the good width, vertical and horizontal alignment of the road (apart from in one place) and the good condition of the road surface, this is considered to be an immaterial amount. It is not envisaged that there will be any additional car traffic as a result of this proposal apart from the occasional vet visits, which would be occurring on an agricultural holding anyway. It

is known that the County Highway Authority have no issues with the nature of traffic that currently uses the road in order to access Gamlins Farm, the associated caravan park, Greenham Business Park, Cothay Manor and Whiteball landfill site, and the road is suitable enough to cater for all the traffic associated with these uses. However the views of the County Highway Authority have been sought and these will be reported to Members at their meeting.

### Environmental protection

The Environmental Health Officer is aware of other applications for poultry units within Taunton Deane and it is his view that whilst he cannot rule out any noise or odour being produced, based on past experience and with good management neither is likely to be an issue. It is his view that it is unlikely that there would be any environmental health impacts arising from this proposal that would justify refusal on planning grounds.

It should also be noted that the Environment Agency have no objection in principle and they have suggested some conditions and informatives to meet their requirements.

### Landscape and biodiversity issues

The unit is proposed on a field that contains poor grass and it is not of any significant agricultural value as it stands. The land is not of a highly sensitive nature that would require conservation and hence protection from any or all development. The Landscape and Biodiversity Officer has offered no objections so long as the colour of the roof and the associated bulk bin can be of a different colour to make it more recessive in the landscape. As noted above, the agent has agreed to this.

In ecological terms, the submission does include an 'Ecological and protected species survey' which concludes that the main ecological value of the application area is the mature boundary trees and hedges. These are unaffected by the proposal, except in one place where some of the hedging is to be removed to allow the new driveway to access units 2 and 3. The least sensitive portion of hedging has been chosen and its loss will not affect biodiversity, so long as the work of removal is done outside of the bird breeding season. The report concludes that since the majority of the site comprises grassland, the change in the ecological value of the site should be negligible. It does identify that with new landscaping and management of the existing habitats, the ecological value of the site could be enhanced. Therefore the long term impact should be of low magnitude. The report suggests conditions and informatives in order to ensure that the most significant impact of the land use through noise, light and human disturbance is minimised. Any approval should be conditioned to take these requirements into account.

### Conclusions

The proposal is for a poultry farming operation and given that it is located in a rural area that is currently used for agriculture, it would be appropriate in this location. On the main issues of planning policy, visual amenity, residential amenity, environmental protection, landscaping and biodiversity, it is concluded that there are

no reasonable or justifiable grounds for concern or for refusing the proposal, so long as the required conditions suggested are attached to any consent. The same is likely to be the case for the other main issue of highways/transportation, but this has yet to be verified by the relevant authority. Therefore, subject to the views of the Highway Authority, the recommendation is one of conditional approval.

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

CONTACT OFFICER: Mr J Burton Tel: 01823 356586

35/14/0024

MR & MRS S OWEN

**ERECTION OF POULTRY BUILDING (UNIT 2) WITH ASSOCIATED INFRASTRUCTURE AND FORMATION OF VEHICULAR ACCESS AT APPLEBY ORCHARD FARM, APPLEBY CROSS, STAWLEY**

Location: APPLEBY ORCHARD FARM, BISHOPS HILL, STAWLEY,  
WELLINGTON, TA21 0HH

Grid Reference: 307468.121265 Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision:

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

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

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

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

(A1) DrNo 200-01 Location Plan  
(A1) DrNo 200-02 Survey Plan  
(A1) DrNo 200-03 Site Plan  
(A1) DrNo 200-04 Site Plan  
(A2) DrNo 200-05 Floor Plan and Elevation Unit 2  
(A3) DrNo 200-06 Site Sections

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

3. The roof of unit 3 and its associated bulk feed bins shall be finished in the colour of 'merlin' grey (BS: 18B25) or equivalent in accordance with the e-mail received from the Agent dated 19th January 2015. All other colours shall be as submitted on the plans hereby approved.

Reason: Merlin grey is acceptable to the Local Planning Authority for the roof and the bulk feed bins as it is recessive and will blend the development into the landscape as required by policy CP8 and DM1 of the adopted Taunton Deane Core Strategy.

4. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use.

Reason: To prevent pollution of the water environment in accordance with policy DM1e of the adopted Taunton Deane Core Strategy.

5. The proposals hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures suggested in the Ecological and protected species survey submitted by Eco-Check Consultancy dated September 2014 and received by the Council on 1st December 2014.

Reason: To ensure that the maximum amount of protection is afforded to wildlife, particularly protected species, in accordance with the Wildlife and Countryside Act 1981 (as amended), the Conservation of Natural Habitats and Species (Amendment) Regulations 2012 (also known as the Habitat Regulations), the National Planning Policy Framework and policy CP8 (Environment) of the Taunton Deane Core Strategy adopted September 2012.

6.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the



applicant and has negotiated amendments to the application to enable the grant of planning permission.

2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. If the total number of poultry places of all 3 sheds exceeds 40000, the installation will require a permit from the Environment Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement.
4. The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance.
5. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.
6. The storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage.
7. Storage and delivery areas for feed should be constructed in such a way as to minimise the risk of runoff or dust causing pollution.

8. Storage of litter should be on an impervious base with contained drainage. If, however, this is impractical, it may be acceptable to use *temporary* field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code)".

## **PROPOSAL**

This application is one of three that seek in total to provide new accommodation for 40,000 poultry on the existing farm holding at Appley Orchard Farm. The intention is to develop a free range broiler (meat) enterprise to meet the growing demand within the U.K. market. This application (unit 2) is designed to house 13,000 birds. Externally, the building will measure approx. 92 metres by 13.1 metres, including the control and store rooms.

The proposed building is of a timber framed construction, with brown timber horizontal shiplap boarding on the gable and side elevations and polyester coated profile steel sheeting (proposed juniper green) on the roof. Roof guttering and downpipes will connect to new soakaways. Windows are also provided to maximise natural daylight into the unit.

Popholes along each elevation provide access during daylight hours to the external grazing area. Stocking density is in accordance with the highest welfare codes of standard at 10,000 birds per hectare. At night the birds are shut in the building.

Externally the proposal is to provide 2 fully enclosed galvanised steel bulk bins, each with a capacity of 15.2 tonnes, measuring 3.15 metres in diameter and 5.79 metres in height.

The unit will be accessed by an extension to the existing approved driveway that runs from the highway network to the barn. As part of a previous application (35/09/0008AGN - Prior approval granted for the erection of the storage building and formation of the track, Feb 2010), improved access provisions were made to the junction of the drive with the highway to enhance visibility and so no further modifications are considered necessary.

## **SITE DESCRIPTION AND HISTORY**

The farm is situated on fields lying to the east of the Hamlet of Appley. The land is served by one vehicular access off the public highway where a large splayed entrance has been laid. This was granted permission in February 2010. The entrance is laid to compacted hard core with the access track being of compacted stone. The track turns sharply west at the bottom of the hill and leads onto a stone yard area that contains a mobile home which is currently occupied by the applicant and his family and an adjacent ancillary timber building used as a utility room and domestic storage area. The mobile home and timber shed are the subject of another application also on the agenda for this committee. This unit (no. 2) is proposed in the fields to the north-east of the existing driveway, barn and mobile home. The total land holding of Appley Orchard Farm extends to more than 20 acres.

With regard to planning history, the following applications are relevant –

35/09/0008AGN - Prior approval granted for the erection of the storage building and formation of the track (Feb 2010).

35/14/0015 - Change of use of land for the storage of felled timber at Appley Orchard Farm (retention of works already undertaken), first presented to members last year and deferred for further investigation on noise issues. Now an application also on this committee.

35/14/0021 - Extension to agricultural building, concurrent application also on this agenda.

35/14/0022 - Change of use of land for the siting of a mobile home and storage/utility room, concurrent application also on this agenda. There is ongoing enforcement action regarding the unauthorised occupation of the mobile home and the storage of timber.

35/14/0023 - Formation of poultry building with associated infrastructure (unit 1), concurrent application also on this agenda.

35/14/0025 - Formation of poultry building with associated infrastructure (unit 3), concurrent application also on this agenda.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*STAWLEY PARISH COUNCIL* - Stawley Parish Council has convened an Extraordinary Meeting on Monday 19th January 2015 to consider all these related planning applications. The Parish Council will respond formally to all these applications once it has had a chance to hear the views of the local community and consider the proposals as a whole at this Meeting. They intend to submit comments by Friday 23rd January at the latest before the close of public consultation on the three poultry shed applications.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Have observations to make on this proposal which will follow.

*LANDSCAPE* - The site is located within landscape character type 15a (Brendon Fringes). The isolated location and scale of these poultry houses would be out of character with existing agricultural buildings in this rural and tranquil landscape. However, due to local topography and existing tree cover, the buildings will not be easily viewed from the public road. There may be limited glimpses of the units from the West Deane Way to the north of the site in the winter months. This can be ameliorated with a robust landscaping scheme which will help settle the buildings in the landscape.

I would prefer the roof to be a dark grey colour rather than juniper green. In addition the taller hoppers should be painted a dark colour to help make them less prominent in the landscape.

*BIODIVERSITY* - The site is located approximately 350 metres south of Kittisford Wood Local Wildlife Site and to the west of the river Tone Local Wildlife Site. The site and its adjacent boundaries comprise of bare ground, broadleaved woodland, grassland, ditches and species poor hedgerows and trees. The application is submitted with an up to date ecological and protected species survey, which shows that the site interior is of low ecological interest and that the main ecological interest on site is found in the marginal habitats which are to be retained.

Planting required to settle the new buildings within the landscape should consist of native trees so that they will also be of benefit to wildlife. Conditions are suggested to protect the Local Wildlife Sites particularly from noise and light pollution.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - Has no objections or observations to make on this proposal.

*ENVIRONMENT AGENCY* - The Environment Agency has no objection in principle to the proposed development, subject to the inclusion of conditions which meet the following requirements.

Condition:

No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use.

Reason: To prevent pollution of the water environment.

The following informatives should be included in the Decision Notice.

If the total number of poultry places of all 3 sheds exceeds 40000, the installation will require a permit from the Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement.

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance.

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

The storage of fertiliser, chemicals, pesticides or other hazardous substances must

be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage.

Storage and delivery areas for feed should be constructed in such a way as to minimise the risk of runoff or dust causing pollution.

Storage of litter should be on an impervious base with contained drainage. If, however, this is impractical, it may be acceptable to use *temporary* field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code).

## **Representations**

At the time of writing this report, no representations had been received in connection with this application. However it should be noted that the consultation period will run until 27th January, so any additional representations received will be reported to Members at the meeting.

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

This application is not liable for a CIL contribution nor will it result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main determining factors in this case are –

- Planning policy;
- Visual amenity;
- Residential amenity;
- Highways and traffic implications;
- Environmental health issues; and,
- Landscape and biodiversity issues.

### Planning policy considerations

At the heart of the NPPF is a presumption in favour of sustainable development. This is explained as meaning that Local Planning Authorities should positively seek opportunities to meet the development needs of their area, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits

when assessed against the policies in the NPPF. To assist in this regard, paragraph 28 of the NPPF states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity and promote the development and diversification of agricultural and other land-based rural businesses. Paragraph 56 clarifies the need for good design as a key aspect of sustainable development. Paragraph 109 talks about the need to enhance the natural and local environment. It is Officer's opinion that the LPA should assist in the requirements of para. 28 by approving this proposal. The requirements of paras. 56 and 109 can be achieved with some minor alterations to the scheme (see below). Therefore there is clearly not any breach of the National Planning Policy Framework.

The NPPF and planning law makes clear that planning applications for planning permission must also be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the relevant policies within the Adopted Core Strategy are -

- CP8 - (Environment);
- DM1 - (Development Management general requirements); and
- DM2 - (Development in the countryside).

These policies support new non-residential buildings in the countryside which are commensurate with the role and function of the agricultural unit, so long as the natural environment is not harmed and basic development management requirements are met. It is considered that the development of a poultry business within an existing agricultural holding, in an agricultural area is appropriate in a rural setting. The design is typical of a poultry unit and is widely used up and down the country in rural areas. Its design can be improved in terms of its colour scheme to make it blend further into the rural landscape (see below). On this basis the proposed unit is not considered to cause any environmental detriment and it will not cause any residential detriment (as discussed below), and so the proposal is considered to meet the tests of the policies within the Core Strategy.

### Visual amenity

The proposed site is not visible from any public vantage point or from any nearby Public Right of Way, because it is located down in a dip, is well screened from view by boundary hedging and trees, and is not unduly tall. It is considered that one might get glimpses of it from the West Deane Way to the north of the site in the winter months, but this would be at some distance. This can easily be ameliorated with a robust landscaping scheme which will help settle the buildings in the landscape. It is also thought that the colour chosen for the roof and the hoppers should be altered to a more recessive colour in order to help blend it into the landscape. The Agent has agreed to make this change and suggests 'merlin' grey for the roof and the bulk feed storage. This is acceptable. On this basis it is not considered that anyone would suffer any form of visual detriment as a result of this proposed unit. In any event this is clearly an agricultural building in an agricultural area where such structures are not uncommon features within the British countryside. Thus, it is considered that there are no issues with detriment to visual amenity that would justify refusal and the proposal is acceptable on this ground.

### Residential amenity

The nearest residential property is at least 345 metres away, and it is hardly visible to the naked eye from the proposed location for unit 2 due to tree and hedge cover both in the foreground and at the edge of the agricultural unit, due to the lie of the land being much lower than the road through Appley, because it is not an unduly tall structure and due to the approved farm barn being within the line of sight. There really are no grounds for concluding that the proposed unit no. 2 would have any impact on residential amenity whatsoever. The only residential properties are to the west. There is only countryside without any buildings to the north, the east and to the south of this proposed site. Therefore no residential property will suffer any form of detriment as a result of this proposed poultry unit because it would simply be too far away to have any impact. It is noted that there has not been any letters of representation received so far, although at the time of writing, the consultation period has yet to expire. Any further representations received will be reported to Members at their meeting.

On the basis of all of this, it is reasonable and appropriate to conclude that this proposal is in accordance with policy DM1e (which includes residential amenity). There are no reasonable grounds for refusing the proposal on this ground.

### Highways and transportation issues

The broiler unit, as with most poultry operations, will have a set production cycle, and so traffic movements associated with it are predictable. It will have a 66 day cycle based on 56 days of rearing and a 10 day cleaning period. During this time, the number of vehicle (lorry) movements will be very low by agricultural standards, estimated to be less than 2 every week on average. Given the amount of traffic that uses the road between greenham and the A38, the good width, vertical and horizontal alignment of the road (apart from in one place) and the good condition of the road surface, this is considered to be an immaterial amount. It is not envisaged that there will be any additional car traffic as a result of this proposal apart from the occasional vet visits, which would be occurring on an agricultural holding anyway. It is known that the County Highway Authority have no issues with the nature of traffic that currently uses the road in order to access Gamlins Farm, the associated caravan park, Greenham Business Park, Cothay Manor and Whiteball landfill site, and the road is suitable enough to cater for all the traffic associated with these uses. However the views of the County Highway Authority have been sought, to make sure, and these will be reported to Members at their meeting.

### Environmental protection

The Environmental Health Officer is aware of other applications for poultry units within Taunton Deane and it is his view that whilst he cannot rule out any noise or odour being produced, based on past experience and with good management neither is likely to be an issue. It is his view that it is unlikely that there would be any environmental health impacts arising from this proposal that would justify refusal on planning grounds.

It should also be noted that the Environment Agency have no objection in principle and they have suggested some conditions and informatives to meet their requirements.

## Landscape and biodiversity issues

The unit is proposed on a field that contains poor grass and it is not of any significant agricultural value as it stands. The land is not of a highly sensitive nature that would require conservation and hence protection from any or all development. The Landscape and Biodiversity Officer has offered no objections so long as the colour of the roof and the associated bulk bin can be of a different colour to make it more recessive in the landscape. As noted above, the agent has agreed to this.

In ecological terms, the submission does include an 'Ecological and protected species survey' which concludes that the main ecological value of the application area is the mature boundary trees and hedges. These are unaffected by the proposal, except in one place where some of the hedging is to be removed to allow the new driveway to access units 2 and 3. The least sensitive portion of hedging has been chosen and its loss will not affect biodiversity, so long as the work of removal is done outside of the bird breeding season. The report concludes that since the majority of the site comprises grassland, the change in the ecological value of the site should be negligible. It does identify that with new landscaping and management of the existing habitats, the ecological value of the site could be enhanced. Therefore the long term impact should be of low magnitude. The report suggests conditions and informatives in order to ensure that the most significant impact of the land use through noise, light and human disturbance is minimised. Any approval should be conditioned to take these requirements into account.

## Conclusions

The proposal is for a poultry farming operation and given that it is located in a rural area that is currently used for agriculture, it would be appropriate in this location. On the main issues of planning policy, visual amenity, residential amenity, environmental protection, landscaping and biodiversity, it is concluded that there are no reasonable or justifiable grounds for concern or for refusing the proposal, so long as the required conditions suggested are attached to any consent. The same is likely to be the case for the other main issue of highways/transportation, but this has yet to be verified by the relevant authority. Therefore, subject to the views of the Highway Authority, the recommendation is one of conditional approval.

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

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



35/14/0025

MR & MRS S OWEN

**ERECTION OF POULTRY BUILDING (UNIT 3) WITH ASSOCIATED INFRASTRUCTURE AND FORMATION OF VEHICULAR ACCESS AT APPLEBY ORCHARD FARM, APPLEBY CROSS, STAWLEY**

Location: APPLEBY ORCHARD FARM, BISHOPS HILL, STAWLEY,  
WELLINGTON, TA21 0HH

Grid Reference: 307587.121262 Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision:

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

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

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

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

(A1) DrNo 200-01 Location Plan  
(A1) DrNo 200-03 Site Plan  
(A1) DrNo 200-02 Survey Plan  
(A1) DrNo 200-04 Site Plan  
(A2) DrNo 200-05 Floor Plan and Elevation Unit 3  
(A3) DrNo 200-06 Site Sections

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

3. The roof of unit 3 and its associated bulk feed bins shall be finished in the colour of 'merlin' grey (BS: 18B25) or equivalent in accordance with the e-mail received from the Agent dated 19th January 2015. All other colours shall be as submitted on the plans hereby approved.

Reason: Merlin grey is acceptable to the Local Planning Authority for the roof and the bulk feed bins as it is recessive and will blend the development into the landscape as required by policy CP8 and DM1 of the adopted Taunton Deane Core Strategy.

4. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use.

Reason: To prevent pollution of the water environment in accordance with policy DM1e of the adopted Taunton Deane Core Strategy.

5. The proposals hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures suggested in the Ecological and protected species survey submitted by Eco-Check Consultancy dated September 2014 and received by the Council on 1st December 2014.

Reason: To ensure that the maximum amount of protection is afforded to wildlife, particularly protected species, in accordance with the Wildlife and Countryside Act 1981 (as amended), the Conservation of Natural Habitats and Species (Amendment) Regulations 2012 (also known as the Habitat Regulations), the National Planning Policy Framework and policy CP8 (Environment) of the Taunton Deane Core Strategy adopted September 2012.

6.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

#### Notes to Applicant

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

grant of planning permission.

2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. If the total number of poultry places of all 3 sheds exceeds 40000, the installation will require a permit from the Environment Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement.
4. The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance.
5. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.
6. The storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage.
7. Storage and delivery areas for feed should be constructed in such a way as to minimise the risk of runoff or dust causing pollution.
8. Storage of litter should be on an impervious base with contained drainage. If,

however, this is impractical, it may be acceptable to use *temporary* field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code).

## **PROPOSAL**

This application is one of three that seek in total to provide new accommodation for 40,000 poultry on the existing farm holding at Appley Orchard Farm. The intention is to develop a free range broiler (meat) enterprise to meet the growing demand within the U.K. market. This application (unit 3) is designed to house 13,000 birds. Externally, the building will measure approx. 92 metres by 13.1 metres, including the control and store rooms. A further building adjacent will provide housing for the biomass boiler. This is indirect heating, as an alternative to LPG, utilising chipped timber and ensures drier litter which leads to reduced carbon dioxide and ammonia (natural bi-products of poultry manure).

The proposed building is of a timber framed construction, with brown timber horizontal shiplap boarding on the gable and side elevations and polyester coated profile steel sheeting (proposed juniper green) on the roof. Roof guttering and downpipes will connect to new soakaways. Windows are also provided to maximise natural daylight into the unit.

Popholes along each elevation provide access during daylight hours to the external grazing area. Stocking density is in accordance with the highest welfare codes of standard at 10,000 birds per hectare. At night the birds are shut in the building.

Externally the proposal is to provide 2 fully enclosed galvanised steel bulk bins, each with a capacity of 15.2 tonnes, measuring 3.15 metres in diameter and 5.79 metres in height.

The unit will be accessed by an extension to the existing approved driveway that runs from the highway network to the barn. As part of a previous application (35/09/0008AGN - Prior approval granted for the erection of the storage building and formation of the track, Feb 2010), improved access provisions were made to the junction of the drive with the highway to enhance visibility and so no further modifications are considered necessary.

## **SITE DESCRIPTION AND HISTORY**

The farm is situated on fields lying to the east of the Hamlet of Appley. The land is served by one vehicular access off the public highway where a large splayed entrance has been laid. This was granted permission in February 2010. The entrance is laid to compacted hard core with the access track being of compacted stone. The track turns sharply west at the bottom of the hill and leads onto a stone yard area that contains a mobile home which is currently occupied by the applicant and his family and an adjacent ancillary timber building used as a utility room and domestic storage area. The mobile home and timber shed are the subject of another application also on the agenda for this committee. This unit (no. 3) is proposed in the fields to the east of the existing driveway, barn and mobile home.

The total land holding of Appley Orchard Farm extends to more than 20 acres.

With regard to planning history, the following applications are relevant –

35/09/0008AGN - Prior approval granted for the erection of the storage building and formation of the track (Feb 2010).

35/14/0015 - Change of use of land for the storage of felled timber at Appley Orchard Farm (retention of works already undertaken), first presented to members last year and deferred for further investigation on noise issues. Now an application also on this committee.

35/14/0021 - Extension to agricultural building, concurrent application also on this agenda.

35/14/0022 - Change of use of land for the siting of a mobile home and storage/utility room, concurrent application also on this agenda. There is ongoing enforcement action regarding the unauthorised occupation of the mobile home and the storage of timber.

35/14/0023 - Formation of poultry building with associated infrastructure (unit 1), concurrent application also on this agenda.

35/14/0024 - Formation of poultry building with associated infrastructure (unit 2), concurrent application also on this agenda.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*STAWLEY PARISH COUNCIL* - Stawley Parish Council has convened an Extraordinary Meeting on Monday 19th January 2015 to consider all these related planning applications. The Parish Council will respond formally to all these applications once it has had a chance to hear the views of the local community and consider the proposals as a whole at this Meeting. They intend to submit comments by Friday 23rd January at the latest before the close of public consultation on the three poultry shed applications.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Have observations to make on this proposal which will follow.

*LANDSCAPE* - The site is located within landscape character type 15a (Brendon Fringes). The isolated location and scale of these poultry houses would be out of character with existing agricultural buildings in this rural and tranquil landscape. However, due to local topography and existing tree cover, the buildings will not be easily viewed from the public road. There may be limited glimpses of the units from the West Deane Way to the north of the site in the winter months. This can be ameliorated with a robust landscaping scheme which will help settle the buildings in the landscape.

I would prefer the roof to be a dark grey colour rather than juniper green. In addition the taller hoppers should be painted a dark colour to help make them less prominent in the landscape.

*BIODIVERSITY* - The site is located approximately 350 metres south of Kittisford Wood Local Wildlife Site and to the west of the river Tone Local Wildlife Site. The site and its adjacent boundaries comprise of bare ground, broadleaved woodland, grassland, ditches and species poor hedgerows and trees. The application is submitted with an up to date ecological and protected species survey, which shows that the site interior is of low ecological interest and that the main ecological interest on site is found in the marginal habitats which are to be retained.

Planting required to settle the new buildings within the landscape should consist of native trees so that they will also be of benefit to wildlife. Conditions are suggested to protect the Local Wildlife Sites particularly from noise and light pollution.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION -*

Has no objections or observations to make on the proposal.

*ENVIRONMENT AGENCY -*

The Environment Agency has no objection in principle to the proposed development, subject to the inclusion of conditions which meet the following requirements.

Condition:

No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use.

Reason: To prevent pollution of the water environment.

The following informatives should be included in the Decision Notice.

If the total number of poultry places of all 3 sheds exceeds 40000, the installation will require a permit from the Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement.

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance.

There must be no discharge of foul or contaminated drainage from the site into

either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

The storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage.

Storage and delivery areas for feed should be constructed in such a way as to minimise the risk of runoff or dust causing pollution.

Storage of litter should be on an impervious base with contained drainage. If, however, this is impractical, it may be acceptable to use *temporary* field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code).

## **Representations**

At the time of writing this report, no representations had been received in connection with this application. However it should be noted that the consultation period will run until 27th January, so any additional representations received will be reported to Members at the meeting.

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

This application is not liable for a CIL contribution nor will it result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main determining factors in this case are –

- Planning policy;
- Visual amenity;
- Residential amenity;
- Highways and traffic implications;
- Environmental health issues; and,
- Landscape and biodiversity issues.

### Planning policy considerations

At the heart of the NPPF is a presumption in favour of sustainable development. This is explained as meaning that Local Planning Authorities should positively seek opportunities to meet the development needs of their area, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. To assist in this regard, paragraph 28 of the NPPF states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity and promote the development and diversification of agricultural and other land-based rural businesses. Paragraph 56 clarifies the need for good design as a key aspect of sustainable development. Paragraph 109 talks about the need to enhance the natural and local environment. It is Officer's opinion that the LPA should assist in the requirements of para. 28 by approving this proposal. The requirements of paras. 56 and 109 can be achieved with some minor alterations to the scheme (see below). Therefore there is clearly not any breach of the National Planning Policy Framework.

The NPPF and planning law makes clear that planning applications for planning permission must also be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the relevant policies within the Adopted Core Strategy are –

- CP8 - (Environment);
- DM1- (Development Management general requirements); and
- DM2 - (Development in the countryside).

These policies support new non-residential buildings in the countryside which are commensurate with the role and function of the agricultural unit, so long as the natural environment is not harmed and basic development management requirements are met. It is considered that the development of a poultry business within an existing agricultural holding, in an agricultural area is appropriate in a rural setting. The design is typical of a poultry unit and is widely used up and down the country in rural areas. Its design can be improved in terms of its colour scheme to make it blend further into the rural landscape (see below). On this basis the proposed unit is not considered to cause any environmental detriment and it will not cause any residential detriment (as discussed below), and so the proposal is considered to meet the tests of the policies within the Core Strategy.

### Visual amenity

The proposed site is not visible from any public vantage point or from any nearby Public Right of Way, because it is located down in a dip, is well screened from view by boundary hedging and trees, and is not unduly tall. It is considered that one might get glimpses of it from the West Deane Way to the north of the site in the winter months, but this would be at some distance. This can easily be ameliorated with a robust landscaping scheme which will help settle the buildings in the landscape. It is also thought that the colour chosen for the roof and the hoppers should be altered to a more recessive colour in order to help blend it into the landscape. The Agent has agreed to make this change and suggests 'merlin' grey for the roof and the bulk storage. This is acceptable. On this basis it is not considered that anyone would suffer any form of visual detriment as a result of this proposed unit. In any event this is clearly an agricultural building in an agricultural area where such structures are not uncommon features within the British



countryside. Thus, it is considered that there are no issues with detriment to visual amenity that would justify refusal and the proposal is acceptable on this ground.

### Residential amenity

The nearest residential property is at least 455 metres away, and it is hardly visible to the naked eye from the proposed location for unit 3 due to tree and hedge cover both in the foreground and at the edge of the agricultural unit, due to the lie of the land being much lower than the road through Appley, because it is not an unduly tall structure and due to the approved farm barn being within the line of sight. There really are no grounds for concluding that the proposed unit no. 3 would have any impact on residential amenity whatsoever. The only residential properties are to the west. There is only countryside without any buildings to the north, the east and to the south of this proposed site. Therefore no residential property will suffer any form of detriment as a result of this proposed poultry unit because it would simply be too far away to have any impact. It is noted that there has not been any letters of representation received so far, although at the time of writing, the consultation period has yet to expire. Any further representations received will be reported to Members at their meeting.

On the basis of all of this, it is reasonable and appropriate to conclude that this proposal is in accordance with policy DM1e (which includes residential amenity). There are no reasonable grounds for refusing the proposal on this ground.

### Highways and transportation issues

The broiler unit, as with most poultry operations, will have a set production cycle, and so traffic movements associated with it are predictable. It will have a 66 day cycle based on 56 days of rearing and a 10 day cleaning period. During this time, the number of vehicle (lorry) movements will be very low by agricultural standards, estimated to be less than 2 every week on average. Given the amount of traffic that uses the road between Greenham and the A38, the good width, vertical and horizontal alignment of the road (apart from in one place) and the good condition of the road surface, this is considered to be an immaterial amount. It is not envisaged that there will be any additional car traffic as a result of this proposal apart from the occasional vet visits, which would be occurring on an agricultural holding anyway. It is known that the County Highway Authority have no issues with the nature of traffic that currently uses the road in order to access Gamlins Farm, the associated caravan park, Greenham Business Park, Cothay Manor and Whiteball landfill site, and the road is suitable enough to cater for all the traffic associated with these uses. However the views of the County Highway Authority have been sought, to make sure, and these will be reported to Members at their meeting.

### Environmental protection

The Environmental Health Officer is aware of other applications for poultry units within Taunton Deane and it is his view that whilst he cannot rule out any noise or odour being produced, based on past experience and with good management neither is likely to be an issue. It is his view that it is unlikely that there would be any

environmental health impacts arising from this proposal that would justify refusal on planning grounds.

It should also be noted that the Environment Agency have no objection in principle and they have suggested some conditions and informatives to meet their requirements.

### Landscape and biodiversity issues

The unit is proposed on a field that contains poor grass and it is not of any significant agricultural value as it stands. The land is not of a highly sensitive nature that would require conservation and hence protection from any or all development. The Landscape and Biodiversity Officer has offered no objections so long as the colour of the roof and the associated bulk bin can be of a different colour to make it more recessive in the landscape. The Agent has been asked to consider this and his response will be reported to Members.

In ecological terms, the submission does include an 'Ecological and protected species survey' which concludes that the main ecological value of the application area is the mature boundary trees and hedges. These are unaffected by the proposal, except in one place where some of the hedging is to be removed to allow the new driveway to access units 2 and 3. The least sensitive portion of hedging has been chosen and its loss will not affect biodiversity, so long as the work of removal is done outside of the bird breeding season. The report concludes that since the majority of the site comprises grassland, the change in the ecological value of the site should be negligible. It does identify that with new landscaping and management of the existing habitats, the ecological value of the site could be enhanced. Therefore the long term impact should be of low magnitude. The report suggests conditions and informatives in order to ensure that the most significant impact of the land use through noise, light and human disturbance is minimised. Any approval should be conditioned to take these requirements into account.

### Conclusions

The proposal is for a poultry farming operation and given that it is located in a rural area that is currently used for agriculture, it would be appropriate in this location. On the main issues of planning policy, visual amenity, residential amenity, environmental protection, landscaping and biodiversity, it is concluded that there are no reasonable or justifiable grounds for concern or for refusing the proposal, so long as the required conditions suggested are attached to any consent. The same is likely to be the case for the other main issue of highways/transportation, but this has yet to be verified by the relevant authority. Therefore, subject to the views of the Highway Authority, the recommendation is one of conditional approval.

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

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



35/14/0021

MRS S OWEN

**ERECTION OF EXTENSION TO AGRICULTURAL BUILDING AT APPLEBY ORCHARD FARM, STAWLEY**

Location: APPLEY ORCHARD FARM, BISHOPS HILL, STAWLEY,  
WELLINGTON, TA21 0HH

Grid Reference: 307379.121181 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:

(A1) DrNo 200-01 Location and Site Plans  
(A1) DrNo 200-02 Survey Plan  
(A1) DrNo 200-03 Existing Elevations and Floor Plans  
(A1) DrNo 200-04 Proposed Plan, Elevations and Section

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

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The means of escape in the case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at the Building Regulations consultation stage.
3. Access and facilities, which should include where necessary the provision of private fire hydrants for Fire and Rescue Service appliances, should comply with provisions contained within ADB, part 5 of the Building Regulations 2000
4. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

## **PROPOSAL**

Permission is sought for an extension to the existing approved barn at the site to enable the storage of biomass material (wood chippings) that will be used on the farm. Felled timber is currently stored on the farm holding, chipped and taken off site commercially. This activity is the subject of an ongoing enforcement investigation. This facility would enable approximately 250 - 300 tonnes of woodchip to be stored for use on the farm to feed the biomass boilers required to heat the proposed poultry units.

The proposed extension has a floorplan of approximately 27.6 x 7.62. It has a roof that joins on to and continues the slope on the eastern side of the existing approved barn structure. Materials are shown as being pre-cast concrete panels at ground level (equivalent to the open portion of the existing barn) with timber boarding above starting at 1.8 metres above ground level and extending up to eaves level. This will match the existing barn except 1) it is not as long, and 2) it is not open at ground level.

The extension to the barn is designed for the agricultural purposes of an agricultural holding, on agricultural land and is considered to be reasonably necessary for the purposes of agriculture (assuming the poultry units are authorised).

## **SITE DESCRIPTION AND HISTORY**

It is proposed to extend an existing approved barn which is located in the north-western corner of the agricultural holding at Appley Orchard Farm. The farm is situated on fields lying to the east of the Hamlet of Appley. The land is served by one vehicular access off the public highway where a large splayed entrance has

been laid. This was granted permission in February 2010. The entrance is laid to compacted hard core with the access track being of compacted stone. The track turns sharply west at the bottom of the hill and leads onto a stone yard area that contains a mobile home which is currently occupied by the applicant and his family and an adjacent ancillary timber building used as a utility room and domestic storage area. The mobile home and timber shed are the subject of another application also on the agenda for this committee.

With regard to planning history, the following applications are relevant –

35/09/0008AGN - Prior approval granted for the erection of the storage building and formation of the track (Feb 2010).

35/14/0015 - Change of use of land for the storage of felled timber at Appley Orchard Farm (retention of works already undertaken), first presented to members last year and deferred for further investigation on noise issues. Now an application also on this committee.

35/14/0022 - Change of use of land for the siting of a mobile home and storage/utility room, concurrent application also on this agenda. There is ongoing enforcement action regarding the unauthorised occupation of the mobile home and the storage of timber.

35/14/0023 - formation of poultry building with associated infrastructure (unit 1), concurrent application also on this agenda.

35/14/0024 - formation of poultry building with associated infrastructure (unit 2), concurrent application also on this agenda.

35/14/0025 - formation of poultry building with associated infrastructure (unit 3), concurrent application also on this agenda.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*STAWLEY PARISH COUNCIL* – Comment as follows:

The purpose of this extension is to provide storage for biomass material required for the new biomass boilers proposed for each of three new poultry buildings on this site which are the subject of separate planning applications: 35/14/0023; 35/14/0024; and 35/14/0025. In view of the number, size and inter-relationship of these applications, and because no pre-application community consultation has been undertaken by the applicant, Stawley Parish Council has convened an Extraordinary Meeting of the Parish Council on Monday 19th January 2015 to consider all these related planning applications together with application 35/14/0022 for a mobile home on the site. The Parish Council will respond formally to all these applications once it has had a chance to hear the views of the local community and consider the proposals as a whole at this Extraordinary Meeting. We intend to submit our comments by Friday 23rd January at the latest before the close of public

consultation on the three poultry shed applications.

We believe that application 35/14/0021 can only be approved by Taunton Deane Borough Council if permission is granted for the poultry farm and we therefore suggest that the Borough Council should consider all these five applications, and preferably also 35/14/0015, together."

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations to make on this application.

*LANDSCAPE* - Only minimal landscape impact so no objections.

*BIODIVERSITY* - Observations awaited.

*DEVON AND SOMERSET FIRE & RESCUE SERVICE* - The means of escape in the case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at the Building Regulations consultation stage.

Access and facilities, which should include where necessary the provision of private fire hydrants for Fire and Rescue Service appliances, should comply with provisions contained within ADB, part 5 of the Building Regulations 2000

## **Representations**

1 letter of OBJECTION has been received in connection with this application. It makes one point that this application is of no merit on its own and should not be considered by the Planning Committee without first considering the other outstanding planning applications and the enforcement notice on this site (relating to erection of poultry buildings and storage/processing of timber).

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

This application is for an extension to an agricultural barn on an agricultural holding. It is not therefore liable for a CIL contribution nor will it result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main determining factors in this case are -

- Planning policy;
- Visual amenity;
- Residential amenity; and,
- Landscape and biodiversity issues.

### Planning policy considerations

At the heart of the NPPF is a presumption in favour of sustainable development. This is explained as meaning that Local Planning Authorities should positively seek opportunities to meet the development needs of their area, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. To assist in this regard, paragraph 28 of the NPPF states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity and promote the development and diversification of agricultural and other land-based rural businesses. Paragraph 56 clarifies the need for good design as a key aspect of sustainable development. Paragraph 109 talks about the need to enhance the natural and local environment.

It is Officer's opinion that all of these criteria can be met by this application and that therefore there would not be any breach of the national policy framework guidance.

The NPPF and planning law makes clear that planning applications for planning permission must also be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the relevant policies within the Adopted Core Strategy are

- CP8 - (Environment);
- DM1 - (Development Management general requirements); and
- DM2 - (Development in the countryside).

These policies support new non-residential buildings in the countryside which are commensurate with the role and function of the agricultural unit, so long as the natural environment is not harmed and basic development management requirements are met. It is considered that the use of the proposed extension (for agricultural use) within an agricultural holding is appropriate in this rural setting. The design matches, as far as is practical the building already approved at this point. The extension is not within view of any residential properties or other interests of acknowledged importance and is in any event hidden from the development within the hamlet of Appley by virtue of being set down (lie of the land) and on the eastern side of the existing barn, away from other development, shielding it from view. For all of these reasons, the proposal is considered to meet the tests of the policies within the Core Strategy.

### Visual amenity

The extension, indeed the existing barn itself, is not visible from any public vantage point or from any nearby property, because it is located down in a dip, is well



screened from view by boundary hedging and trees, and is not unduly tall. In addition, the new extension would be on the eastern side of the existing approved barn and would have a lower roof height, being a continuation of the existing roof slope on this side. Therefore, it would be entirely screened by this from the direction of the hub of Appley. There are no Public Rights of Way or footpaths in the vicinity from which the new extension could be seen. Therefore, no one or any interest will suffer any form of visual detriment as a result of this proposed extension. In any event the structure is well designed to fit in with the rural area, comprising precast concrete panels at ground level and timber boarding above. This will match in with the existing. Thus, there are no issues with detriment to visual amenity and the proposal is acceptable on this ground.

#### Residential amenity.

As stated above, no one will suffer any form of visual detriment as a result of this proposed extension because it would simply not be visible from any residential property. It is located down in a dip, well screened from view by boundary hedging and trees, and is not an unduly tall structure. In addition, the new extension would be on the eastern side of the existing approved barn and would have a lower roof height, being a continuation of the existing roof slope on this side. Use of the extension is not an issue, because it is an agricultural barn in an agricultural farm holding, meaning that any agricultural use would be a permitted use. Any use that does not fall within the definition of agriculture might need permission, but as the use has been specified as being the storage of biomass material to be used on the farm, this is not an issue in this instance.

It is noted that there has only been one letter of representation during the consultation period, and this did not make reference to amenity detriment. Instead it referred to the need to consider all of the Appley Orchard Farm applications together.

On the basis of all of this, it is reasonable and appropriate to conclude that this proposal is in accordance with policy DM1e (which includes residential amenity). There are no reasonable grounds for refusing the proposal on this ground.

#### Landscape and biodiversity issues

The extension is proposed on a piece of flat muddy track, which contains no plants, hedges or trees and does not appear to have any benefit to fauna or flora. The Landscape and Biodiversity Officer has offered no objections on the basis of impact upon landscaping issues, as in her view the impact is minimal. At the time of writing this report, her views on issues relating to biodiversity were still awaited. However, the existing structure, to which the extension is proposed, is new and open at ground floor level, and is not suitable for, or known to be inhabited by bats, birds or other fauna. It is thus reasonable to conclude that the proposal will not have any adverse impact upon landscape or biodiversity issues. However, it would be appropriate to obtain the views on biodiversity from the relevant council Officer first and her views will be reported to Members at their meeting.

## Conclusions

On the main issues of planning policy, visual amenity, residential amenity and landscaping, it is concluded that there are no reasonable or justifiable grounds for concern or for refusing the proposal. The same is likely to be the case for the other main issue of biodiversity, but this has yet to be verified by the relevant officer. Therefore, subject to the views of the Landscaping and Biodiversity Officer (in respect of biodiversity), the recommendation is one of conditional approval.

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

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

35/14/0022

MR & MRS S OWEN

**CHANGE OF USE OF LAND FOR SITING OF MOBILE HOME AND ERECTION OF STORAGE/UTILITY BUILDING AT APPELY ORCHARD FARM, STAWLEY (RETENTION OF WORKS ALREADY UNDERTAKEN)**

Location: APPELY ORCHARD FARM, BISHOPS HILL, STAWLEY,  
WELLINGTON, TA21 0HH

Grid Reference: 307400.121121 Retention of Building/Works etc.

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

.

1. The mobile home hereby permitted on the site shall be entirely removed and the land restored to its former condition on or before the 31<sup>st</sup> January 2018.

Reason: The mobile home is sited in a location where the local planning authority would not normally grant consent for a residential unit and so the applicant is hereby given a limited time to establish and develop a viable unit which could justify a further planning application for a more permanent residential structure. The Local Planning Authority needs to ensure in the meanwhile that the use of the site as hereby approved does not become permanent as this would be in conflict with policies CP4, SP1 and DM2 of the adopted Taunton Deane Core Strategy, and would not safeguard the appearance of the area in accordance with policy CP8 of the adopted Taunton Deane Core Strategy.

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

(A1) DrNo 200-01 Location and Site Plans  
(A1) DrNo 200-02 Survey Plan  
(A1) DrNo 200-03 Floor Plan and Elevations  
(A1) DrNo 200-04 Floor Plan and Elevations

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

3. The occupation of the temporary mobile home shall be limited to a person solely or mainly working within the surrounding agricultural unit known as

Apply Orchard Farm, and to any resident dependants. Should the business operations at the site cease then the occupation of the mobile home shall cease and the said unit shall be removed from the site.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need and it has been shown that there is a need for the development to serve this particular enterprise in accordance with Guidance in the former Planning Policy Statement 7.

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

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

5. Unless within 12 months from the date of this decision at least one of the planning permissions for a poultry unit approved on ..... under either LPA reference 35/14/0023, 35/14/0024 or 35/14/0025 has been implemented and become operational, the use of the site for a mobile home and its ancillary storage/utility building shall cease and all structures referred to in this permission shall be permanently removed from the site.

Reason: Residential accommodation is only authorised at this site on the basis that it is required for the functional need of the poultry enterprise. This is in accordance with the National Planning Policy Framework and policy DM2 of the adopted Taunton Deane Core Strategy. The mobile home and ancillary storage/utility building is granted for a temporary period to allow the need to be established. It is therefore essential that the poultry unit is established at the earliest possible opportunity because the Local Planning Authority does not intend to extend the life of this permission.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy

Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

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

## **PROPOSAL**

This application seeks a temporary dwelling to serve the existing farm business and the proposed expansion into poultry farming. It will provide accommodation for the applicants who will be responsible for the day to day running of the farm business. The applicant maintains that their presence on site is necessary for them to undertake and provide the necessary 24 hour supervision of housed livestock in particular. It is claimed that a full time and all year round role cannot be provided from off the site. The application seeks planning permission for a temporary period of 3 years whilst the applicant proves the functional need for more permanent accommodation. This is standard procedure at Taunton Deane for such matters.

The applicants currently reside on the farm holding in a static caravan which has been placed at the site in advance of obtaining the necessary planning authorisation. The existing accommodation includes a small separate timber storage/utility room. There is ongoing enforcement action regarding the unauthorised occupation of the mobile home.

## **SITE DESCRIPTION AND HISTORY**

The mobile home, for which a temporary permission of 3 years is sought is located in the western corner of the agricultural holding at Appley Orchard Farm. The farm is situated on fields lying to the east of the Hamlet of Appley. The land is served by one vehicular access off the public highway where a large splayed entrance has been laid. This was granted permission in February 2010. The entrance is laid to compacted hard core with the access track being of compacted stone. The track turns sharply west at the bottom of the hill and leads onto a stone yard area where the mobile home is proposed.

The applicant has owned and farmed the surrounding 20 acre holding since 2009, being primarily used for the grazing of sheep and the cutting of hay. During this time, the applicants have placed a mobile home on the site in order for them to live on the holding. This has not been authorised in planning law and is currently the subject of enforcement investigation.

The applicants are currently in the process of developing a free range broiler (poultry meat) enterprise which is the subject of further applications for permission on this current agenda. The case is being made for an 'on-site' presence, but it is clear that the required farm workers dwelling would lie in open rural countryside where there is

a presumption in local planning policy terms against such developments. On this basis, and in accordance with the standard procedures of the Borough Council in such matters, the applicant has made an application for a temporary home which, if granted, would allow him time to prove the viability of the poultry business and the need for a new dwelling pending a further application for a permanent residence.

The mobile home the subject of this application is already on site and includes an adjacent ancillary timber building used as a utility room and domestic storage area. It is currently occupied by the applicant and his family. It is a standard mobile home that would have been brought on to the site in two halves and pieced together to form a home under the Caravan Sites and Control of Development Act 1960 (as amended). This meets the definition of temporary. It is located at the end of the approved driveway on flat land, but below the level of the public highway from which the access is situated. It is located in the west of the site, close to the existing authorised barn and the west of the field where it is proposed to establish the poultry business. The mobile home is screened by a new bund immediately adjacent on its southern side, which will provide some privacy for the occupants and some assimilation into the landscape. That said, the mobile home is only really visible from the bottom of the driveway anyway.

Temporary accommodation provided whilst a new venture is established and financial viability proven, is usually granted by Taunton Deane Borough Council LPA (if acceptable) for a period of 3 years maximum.

With regard to planning history, the following applications are relevant –

35/09/0008AGN - Prior approval granted for the erection of the storage building and formation of the track (Feb 2010).

35/14/0015 - Change of use of land for the storage of felled timber at Appley Orchard Farm (retention of works already undertaken), first presented to members last year and deferred for further investigation on noise issues. Now an application also on this committee.

35/14/0021 - Extension to agricultural building, concurrent application also on this agenda.

35/14/0023 - formation of poultry building with associated infrastructure (unit 1), concurrent application also on this agenda.

35/14/0024 - formation of poultry building with associated infrastructure (unit 2), concurrent application also on this agenda.

35/14/0025 - formation of poultry building with associated infrastructure (unit 3), concurrent application also on this agenda.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*STAWLEY PARISH COUNCIL* – Comment as follows:

This application to retain works already undertaken on site (which are the subject of current enforcement action) is directly related to plans for an extension to an existing agricultural building and three new poultry buildings which are the subject of separate planning applications: 35/14/0021; 35/14/0023; 35/14/0024; and 35/14/0025. In view of the number, size and inter-relationship of these applications, and because no pre-application community consultation has been undertaken by the applicant, Stawley Parish Council has convened an Extraordinary Meeting of the Parish Council on Monday 19th January 2015 to consider all these related planning applications.

The Parish Council will respond formally to the applications once it has had a chance to hear the views of the local community and consider the proposals as a whole at this Extraordinary Meeting. We intend to submit our comments by Friday 23<sup>rd</sup> January at the latest before the close of public consultation on the three poultry shed applications.

As the site is located in open countryside the creation of a new dwelling is clearly contrary to Taunton Deane Borough Council's adopted Core Strategy (policy DM2) and therefore application 35/14/0022 could only be approved on a temporary basis if permission is granted for the poultry farm. "We therefore suggest that the Borough Council should consider all these five applications, and preferably also 35/14/0015, together.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comment as follows:

The site lies on Bishops Hill a classified un-numbered highway that links Ashbrittle with Greenham where the national speed limit applies. Speeds are likely to be approaching this level since the road is relatively straight and forward visibility is good. The site has a well formed access and there is sufficient visibility for emerging traffic. If the applicant is farming the land, travelling to the site each day might mean more trips associated with the site than if they are living on the land. It is unlikely that any highway safety issues will arise as a result of this activity. Parking is unlikely to be an issue and the applicant is probably able to set aside sufficient space for parking. It should also be possible to set aside room for turning so that vehicles can enter and leave the site in forward gear.

In light of the above, the Highway Authority raises no objection to this application.

*LANDSCAPE* - The mobile home and storage shed are well set back from the road and so cannot be easily viewed. Some planting on the existing bund adjacent to the mobile home and tree planting on the southern hedge boundary would help to assimilate the structures into the landscape further.

*BIODIVERSITY* - No observations to make on this application.

## **Representations**

The consultation period for this application has expired now, and only 1 public representation has been received. It is neither an objection nor a support but simply makes the point that the application is of no merit on its own and should not be considered without first considering the other applications and the enforcement notice at the site.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
DM2 - TD CORE STRATEGY - DEV,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

A contribution under the C.I.L. Regulations will be payable on any subsequently approved (and built) permanent agricultural workers dwelling. Temporary dwellings are not liable for CIL.

The same principle would apply to the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Policy considerations

Paragraph 55 of the National Planning Policy Framework (NPPF) makes clear that housing in rural areas should be located where it would enhance or maintain the vitality of rural communities. This is seen as being the most sustainable form of rural development. The NPPF clarifies that LPA's should avoid new isolated homes in the countryside unless there are special circumstances, which are defined as:-

1. The essential need for a rural worker to live at or near their place of work in the countryside;
2. Where the development is enabling or securing the future of a valuable heritage asset;
3. Where the development would re-use redundant or disused buildings and lead to an enhancement in the immediate setting; or
4. Where there is an exceptional quality or innovative nature to the design of the dwelling

Points 2, 3 and 4 above do not apply in this instance. This just leaves special circumstance no. 1. The applicant has argued the case for living at their place of work, and has made it clear why the chosen position is the most favourable and suitable location.

The Taunton Deane Core Strategy (adopted September 2012) has a number of relevant policies which need to be taken into account. Firstly, the vision for the rural areas (Vision 4) states that growth must support and enhance existing sustainable



rural centres and it must protect and enhance the local character and distinctiveness of the built and natural environment. This is supported by Core Policy CP8 (Environment) which seeks the conservation and enhancement of the natural and historic environment. It makes clear that unallocated land outside of settlement boundaries will be protected with development strictly controlled in order to conserve the environmental assets and open character of the area.

Policy DM2 of the Core Strategy covers development in the countryside and conversion of existing buildings and replacement dwellings. However, since Annex A to PPS7 contained a set of criteria to assess need, viability and other related matters for new dwellings, a specific policy in respect of new dwellings was not included in the Core Strategy. In March 2012 the Coalition Government replaced the existing suite of Planning Policy Statements and Guidance with a single document, the National Planning Policy Framework (NPPF). This theoretically created a policy vacuum making the Core Strategy silent on new rural worker dwellings. The Plan does not provide criteria for new rural worker dwellings and the NPPF states that where a Plan is silent permission should be granted unless “*specific policies in this framework indicate development should be restricted*”. Assessment can and should only be judged on an objective basis and in all instances, need and viability would remain a requirement. The methodology in PPS7 Annex A is well established, is understood and has formed the basis for case law. Although no longer part of government policy it would be logical to continue to base decisions on the criteria contained in Annex A at least until/if Government provides clarification on this matter. The LDF Steering Group of the Borough Council agreed in July 2012 that the Council would continue to follow the criteria specified in PPS 7 Annex A when considering proposals for ‘rural worker dwellings’ in the countryside. Taunton Deane Borough Council has now officially agreed the former Annex A of PPS7 as technical guidance.

Paragraph 3 of the former Annex A sets out the criteria that applications for a new permanent dwelling should be assessed against. New dwellings should only be allowed to support existing agricultural activities on well-established units, and so long as:

- (i) there is a clearly established *existing* functional need;
- (ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

The applicant has argued that there is a need to have ‘on-site’ accommodation for the farm worker in order to ensure a presence and speed of response in terms of animal husbandry. The LPA should be supporting this proposal if it is in association with a genuine provision of an existing *bona fide* rural business.

When considering the requirements of Annex A, part (iii), it is clear that the poultry

enterprise and the agricultural activity concerned have not been established at this location for at least three years (having been profitable for at least one of them), as the need arises from a venture into a new area of farming. The proposed use cannot therefore be said to have been established for the requisite 3 years. This is usually overcome by the LPA allowing temporary residential accommodation for three years whilst the new venture became established and can be demonstrated to be financially viable. This is exactly the purpose of this application. The fact that the mobile home is already in place is somewhat irrelevant because mobile home is either acceptable whilst they prove their case for the need for more permanent accommodation in accordance with the Council's policy, or it is not.

Annex A makes clear that if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i)** clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii)** functional need (see paragraph 4 of this Annex);
- (iii)** clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (iv)** the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v)** other normal planning requirements, eg on siting and access, are satisfied.

If the above evidence is not submitted for approval within or very shortly after the three year period, or if the information submitted does not prove the case to the satisfaction of the LPA, then the LPA may decide not to authorise any subsequent application for a more permanent dwelling and may take action to get any temporary structures removed. Conditions have been drafted to ensure that this is made clear to the applicant and that the LPA can take the requisite action if it proves necessary.

### Landscape considerations

The area is identified in the 'Taunton Deane Landscape Character assessment' document of 2011 as being within landscape character type 15a (Brendon Fringes). The need to protect the high quality of Taunton Deane's natural environment is stated in the adopted Core Strategy by policy CP8 (Environment) – which states that the Council will conserve and enhance the natural environment and will not permit development proposals that would harm these interests. This is supported by policy DM1 (d) which states that development will be required to demonstrate that, taking account of any mitigation measures proposed, the appearance and character of the landscape would not be unacceptably harmed. It is the view of the Landscape Officer that the proposal is acceptable if it includes some additional planting. The Agent has confirmed that he is happy to make this change to the scheme.

### Visual appearance and the temporary nature of the unit proposed

The mobile home has been in situ for some time now and so it is easy to assess the visual impact it has. It is not in fact visible from any public vantage point or from any

nearby property, because it is located down in a dip, is well screened from view by boundary hedging and trees, and is not unduly tall. In addition, it is entirely screened by the approved barn from the direction of the residential properties in Appley, around the Globe Inn. There are no Public Rights of Way or footpaths in the vicinity from which the new extension could be seen. Therefore, no one or any interest will suffer any form of visual detriment as a result of this proposed extension.

The Landscape Officer has suggested some additional planting that would further bolster its screening. Thus, there are no issues with detriment to visual amenity and the proposal is acceptable on this ground.

### Highways, access and parking

The Highway Authority has no objection to this proposal. The Highways Officer makes the point that the site has a well formed access and there is sufficient visibility for emerging traffic. He also points out that if the applicant is farming the land, travelling to the site each day might mean more trips associated with the site than if they were living on the land. He also makes clear that it is unlikely that any highway safety issues will arise as a result of this activity. Parking is thought unlikely to be an issue as the applicant is able to set aside sufficient space for parking. It is also possible to set aside room for turning so that vehicles can enter and leave the site in forward gear. There are therefore no grounds for objecting to this proposal on the basis of highways or transportation issues.

### Conclusions

Officers are clear that the LPA should be supporting any substantiated case for the establishment or diversification of a genuine rural business. The case officer is of the opinion that the applicant has demonstrated that the new enterprise would benefit from, indeed 'need', a new dwelling to accompany it. In accordance with the Council's standard procedures and national guidance, the LPA will only give temporary permission for the dwelling, until the viability of the new venture had been proven. Every effort has been made to ensure that the proposed mobile home is temporary, and it is certainly classed as such in law. It is acknowledged that there is a workload associated with the business as proposed and it that it would be appropriate for the proper functioning of that business for a worker to live in the immediate vicinity. Although the site proposed, indeed the new agricultural venture, is in open countryside, the impact can be mitigated through careful use of landscaping. The structure proposed by this application is in any event only temporary, and more robust consideration can be given to any permanent dwelling if it transpires to be necessary. It is therefore felt to be appropriate to recommend approval, but for a temporary period of 3 years only.

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

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



38/14/0282

LIDL UK

**ERECTION OF LIDL FOODSTORE WITH ASSOCIATED CAR PARKING ON  
LAND OFF CASTLE STREET, TAUNTON**

Location: LAND OFF CASTLE STREET, TAUNTON TA1 4AS

Grid Reference: 322198.124519

Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

Subject to the provision of a Section 106 agreement to secure the a monetary contribution to fund compensatory flood storage, the demolition of the existing Lidl store and revocation of the use

**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) DrNo201 Elevations as Proposed  
(A1) DrNo Landscaping Scheme  
(A1) DrNo 1134 Tree Protection Plan  
(A1) DrNo 1133 Tree Constraints Plan  
(A1) DrNo 07 Proposed Site Plan  
(A1) DrNo 06 Rev B Proposed Elevations  
(A1) DrNo 05 Rev A Proposed Elevations  
(A1) DrNo 04 Rev A Floor Plan as Proposed  
(A1) DrNo 03 Rev A Site Plan as Proposed  
(A1) DrNo 02 Site Plan as Existing  
(A1) DrNo 01 Site Plan as Proposed

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

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

5. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultant's Ecological Appraisal dated August 2014 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 wildlife could be harmed by disturbance.
  3. Measures for the enhancement of habitat and places of rest for, wildlife

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

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

Reason: To protect and accommodate wildlife.

6. Prior to the commencement of development there shall be submitted and

approved in writing by the Local Planning Authority details of the proposed Sustainable Urban Drainage scheme for the site to include any surface water drainage systems and their maintenance and the development shall be implemented in accordance with that approval unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of flood prevention.

7. The retail store shall not be brought into use until the access road into the proposed car park has been realigned as agreed in accordance with plan 1370/03A or as otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8. Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary.

Mon-Fri 0800 hrs to 1800 hrs  
Sat 0800 hrs to 1300 hrs

At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to DM1(E) of the Taunton Deane Core Strategy.

9. The boundary fence for noise attenuation shall be constructed as per the submitted Noise Report and shall be erected prior to the store being brought into use. The detail of the fence position shall be submitted to and agreed prior to its erection and shall thereafter be retained as agreed.

Reason: In the interests of the amenity of the area in accordance with policy DM1(E) of the Taunton Deane Core Strategy.

10. Details of the positioning of any external plant on the site shall be submitted to and agreed in writing before the store is brought into use. Details of any plant enclosure to attenuate noise should be submitted to and agreed in writing by the Local Planning Authority following agreement with the Environmental Health Officer and shall be implemented prior to opening and thereafter maintained as such.

Reason: In the interests of the amenity of the area in accordance with policy DM1(E) of the Taunton Deane Core Strategy.

11. Vehicle mounted refrigeration units shall be turned off immediately when delivery vehicles enter the unloading area. Where it is necessary to maintain levels of refrigeration within vehicles, sufficient and suitable electrical outlets shall be provided for connection to all vehicles unloading or waiting to unload.

Reason: In order to ensure acceptable noise levels to protect the amenity of the occupants of nearby properties.

12. The surface of the unloading bay shall be treated with sound absorbing material to minimise noise from the movement of roll cages etc. used for the unloading of vehicles in accordance with details to be submitted and approved in writing by the Local Planning Authority and shall be implemented prior to the store opening and thereafter maintained as such.

Reason: In order to ensure acceptable noise levels to protect the amenity of the occupants of nearby properties.

13. The retail store shall not be brought into use until the Travel Plan has been approved for this development. It shall be submitted to and approved by the Local Planning Authority and shall thereafter be implemented within two months of the development being first used.

Reason: To ensure a transport choice is provided and to ensure that staff will travel to and from work by means other than the private car in accordance with the relevant guidance in Section 4 of the National Planning Policy Framework.

14. A Flood Warning and Evacuation Plan for the site shall be drawn up and put in place prior to the new store being brought into use.

Reason: In the interests of reducing risk during flood events.

#### Notes to Applicant

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



grant of planning permission.

2. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Somerset County Council, County Hall, Taunton, TA1 4DY or by phoning 0845 3459155. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

3. The conditions relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process, be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal

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

All British birds (with exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally, this will be from March until September.

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Governments advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

4. You are advised that there shall be no use of reversing alarms on delivery vehicles servicing the site.

## **PROPOSAL**

The proposal is to erect a replacement Lidl food store of 1929sqm gross floor area, with associated parking of 70 spaces on the former TYCC site at Tangier to the south of Castle Street opposite Tesco. The building will be approximately 36m x 54m and have a monopitch roof that is 8.8m high at its maximum on the road frontage. The elevations will be rendered and have modern cladding. Replacement tree planting will be designed into the scheme and the access will utilise the existing access off the Third Way.

## **SITE DESCRIPTION AND HISTORY**

The site is currently vacant (0.6ha) and is bounded by a post and wire fence. The site was once occupied by a Youth and Community Centre prior to a fire and its subsequent demolition. A large part of the site is hard surfaced, although there are a number of mature trees along the irregular stream side to the south. The northern boundary is Castle Street, while to the western boundary are the long rear gardens of houses on Wellington Road. To the east lies the open public car park area which is accessed off the same road as the application site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposal relates to the erection of a new food store and associated car parking.

### Traffic Impact

In terms of traffic impact the application was supported by a Transport Statement this has been subject to an audit by the Highway Authority and their findings are set out below.

Regarding trip generation the site's trip rates have been calculated based on the existing survey data. Using the traffic survey results and the existing gross floor area peak hour arrival and departure trip rates were calculated for the PM and Saturday peak. By using this trip rate the applicant was able to forecast trip numbers for the proposed store. Upon reviewing this information the Highway Authority is satisfied with this approach. The applicant has identified the weekday PM peak as 1730 to 1830. However on analysing the survey data, it appears that the peak is actually 1630 to 1730. It is the opinion of the Highway Authority that this is in fact a mistake as the PM peak arrival and departures stated in paragraph 5.6 are incorrect for the stated PM peak of 1730 to 1830 but are correct for 1630 to 1730. Would the applicant please confirm this?

In respect of actual vehicle movements the submitted Transport Statement has indicated that the proposed store would be a direct replacement of the existing as a consequence the traffic impact on the surrounding network would be negligible. This is considered to be acceptable if the existing site were to be utilised for residential development, which has been indicated in the Design and Access

Statement. However there is no guarantee that this will be the case therefore based on the worst case scenario if the existing site were to be utilised for a commercial use, the movements associated with the proposed store could be considered to be additional vehicle movements on the highway network.

In terms of the signalised junctions on Castle Street and Tangier Way it is likely that both junctions would see an increase in movements through them, however it is the Highway Authority's opinion that any increase would not be considered significant and therefore severe in line with Section 4 of the National Planning Policy Framework (NPPF).

The development would utilise the existing junction with Castle Street. This junction already serves a public car park as such there is a substantial level of movement through the junction, in particular in the AM and PM peak. The proposal would result in an increase in movement through this junction, however we are satisfied that there is sufficient capacity in the junction for the movements associated with the food store. Although it should be noted that at peak time there would be an element of queuing at the junction. Furthermore it is noted that the applicant wishes to change the priority so that the access road will lead directly into the proposed food store and provide a new junction into the car park. While the revised layout is located off the adopted highway it has the potential to cause disruption if there is queuing in the peak times. As a consequence the applicant must be sure that the amended layout will not lead to vehicles backing up onto the adopted highway.

It is noted that the proposal is located in close proximity to the existing Tesco food store and their point of access onto Castle Street. This proposal is unlikely to have an impact on this junction as any additional queuing would be minimal and therefore won't queue back far enough to block the junction.

Turning to the level of parking spaces the Design and Access Statement document indicates that the level of parking is less than what they currently have at the existing store although the proposed store would be bigger. This would usually be a cause of concern for the Highway Authority as we are aware that the existing store has issues with their parking especially at peak periods. However there is a pay and display car park in close proximity to the site which could be utilised by customers. Furthermore it is likely that these would be shared trips as well with people also visiting the town centre as well as the food store.

In accessibility terms the site is located in close proximity to the town centre and there is a bus stop within walking distance of the site that provides a frequent bus service. Furthermore there are good pedestrian and cycle links to the town centre where the bus station is situated. As a consequence the site is considered to be accessible in highways terms.

## Signals -

The proposal will also result in additional vehicle movements through the Wellington Road/Castle Street signalised junction. The Transport Assessment (TA) has assessed the impact on the junction through the LINSIG model.

The TA provides analysis results for the 'with and without' development scenarios

during the PM and Saturday Peak periods. The traffic data contained within the model reflects that of the network flow diagrams provided in the TA. The model shows that with the development the proposal will result in an increase in 30 vehicles in the PM Peak and an additional 41 vehicles in the Saturday Peak.

If the trip generation for the proposed store and traffic distributions are considered to be correct then the additional traffic demand at the junction as a result of the development proposals is considered to be minimal. In respect of the analysis results, as reported within the TA (Tables 6.3 and 6.4) the impact of development traffic is negligible; a deterioration of capacity totalling approximately 2% on each arm. Queues increase by approximately 1 PCU on each approach. The results of analysis 'with development traffic' predict the maximum degree of saturation to be 79%, being within acceptable capacity thresholds (generally 90%).

### Travel Plan

A Travel Plan has been submitted as part of this planning submission. This document has been audited and a copy of the report has been attached to this response. However the main points are set out below.

The present Travel Plan is not considered to be acceptable. There a number of minor points that need to be addressed but the main issues are:

Firstly not all measures have been considered. The Travel Plan has addressed the role of the Travel Plan Co-ordinator. However the following measures have not been considered, shower facilities for staff and is there separate cycle parking for staff and visitors. Staff should be provided with safe, secure and sheltered cycle parking and what other additional cycle facilities are being proposed to staff.

Secondly there are issues over the layout of the cycle parking area and finally targets have not been set as per Somerset County Council's Travel Plan Guidance. The targets need to be realistic and clearly relate to the findings of the Site Audit/Accessibility Audit and the proposed measures, and have been informed by the Census data.

Please note that the Travel Plan would need to be secured via a S106 agreement.

### Flood Risk Assessment

Having reviewed the submitted Flood Risk Assessment the proposed drainage is considered to be acceptable.

### Conclusion & Recommendation .

In conclusion although the proposal would result in the relocation of the existing store it is likely to result in an increase in vehicle movements however it is considered not to be severe enough under Chapter 4 of the National Planning Policy Framework (NPPF) to warrant an objection on traffic impact grounds. This is also reflected in the LINSIG modelling for the signal junction, which shows that it

would see an increase in saturation but this would still be operating in normal parameters. This would normally result in no objection from the Highway Authority. However there are concerns that insufficient information has been provided in terms of what is happening to the existing food store site. As a consequence the Highway Authority would need to presume that the proposed development would generate a significant increase in vehicle movements over and above the existing. Therefore further information is required on the existing site.

In addition from the audit it appears that there are a number of outstanding issues with the Travel Plan.

Therefore based on the above the Highway Authority needs further information prior to making a formal decision on this proposal.

#### 11/12/14 Revised Comment

Apologies for the delay in responding to you, I have taken the opportunity to review the additional information from Lidl and in particular the reference to demolishing the existing store.

From a Highway Authority point of view we would welcome this approach and if it can be secured via a S106 then this would remove the Highway Authority's concerns over traffic generation. Therefore the Highway Authority raises no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

- Re-alignment of access road and Travel Plan secured via S106.
- The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and 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.

#### NOTE:

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Somerset County Council, County Hall, Taunton, TA1 4DY or by phoning 0845 3459155. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

*SCC\_ARCHAEOLOGY* - There are limited or no archaeological implications to the proposal and we therefore have no objections.

*HERITAGE* - The proposals are not considered to affect any heritage assets or their

settings.

*WESSEX WATER* - New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

### Sprinklers

Non domestic supplies required for firefighting or commercial use will require assessment with networks modelling subject to design requirements. We will normally recommend the use of storage tanks where network capacity is not available or where off site reinforcement is necessary to provide the stated demand.

### Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

*PLANNING POLICY* - The proposal lies within the Taunton Town Centre AAP, Tangier allocation (policy Tg2).

In principle, convenience floorspace may be considered compliant with the policy. However, there are a number of issues associated with this.

In particular, the evidence base for retail capacity for the AAP is out of date; two more recent iterations have been published. Currently, there is an oversupply of convenience floorspace (1100 sq.m. for the period to end of 2016). Post 2016, from a policy, sustainability and regeneration perspective there would be more appropriate sequential sites to accommodate future, limited capacity.

Whilst there are advantages of regenerating a brownfield site (Tangier) the Council should also be mindful that it does not create a larger problem in a more central location (existing store location). Council records indicate the current store is around 1125 sq.m. gross. The current application is for 1929 sq.m. gross new floorspace. This would greatly increase the current oversupply and thus impact on existing and future investment. Any potential closure of the existing store and a binding legal agreement that the existing store/site would not be reused for convenience shopping would greatly reduce the additional 'impact' likely to arise from a new store, although this is beyond a planning policy issue.

However, as the Council jointly controls the proposed site it could enforce such an

agreement to greatly reduce the impact issue and equally importantly, due to capacity having already been met, the sequential issue of why convenience floorspace should locate from a more sequentially compliant location to a less compliant one (the current proposal is out of centre in terms of national and local policy).

A further concern with the current proposal is that it appears to, in effect, sterilise land to the rear (Parkhaven) which also forms part of the policy Tg2 allocation. It has always been envisaged that in order to implement the development plan policy, a comprehensive approach would be required.

Finally, there is the matter of design. The proposal appears extremely functional, single storey, 'top heavy' with an overuse of panelling and lacking any coherent reference to the Councils adopted Design Code SPD. As such, I would consider that the proposal is not consistent with Core Strategy policy DM4 (Design).

Thus all in all, as the proposal stands I consider that there remains fundamental planning policy issues to address before any approval could be forthcoming.

*ENVIRONMENT AGENCY* - Initially object as insufficient information supplied relating to flood risk.

Provided the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met we can WITHDRAW our objection, in principle, to the proposed development, subject to the inclusion of conditions which meet the following requirements:

Condition: Prior to the commencement of development there shall be submitted and approved in writing by the LPA details of the floodplain compensation for the site, and development shall be implemented in accordance with that approval unless otherwise agreed in writing by the LPA.

Reason: In the interests of flood prevention.

Note:

The applicant is looking at using the flood storage area provided within Long Run Meadow attenuation facility for floodplain compensation. The applicant should provide confirmation from the LPA that this reservoir has enough capacity and is available to accommodate the loss of floodplain from this site.

If the use of this facility is not possible then proof that an alternative method is suitable and has capacity must be provided.

Condition:

Prior to the commencement of development there shall be submitted and approved in writing by the LPA details of the proposed Sustainable Urban Drainage scheme for the site to include any surface water drainage systems and the development shall be implemented in accordance with that approval unless otherwise agreed in

writing by the LPA.

Reason: In the interests of flood prevention.

The following informatives and recommendations should be included in the Decision Notice.

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We strongly recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants. The LPA may wish to secure this through an appropriate condition. We can confirm that the site does lie within a Flood Warning area. We do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users. The responsibility is on LPA's to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

We recommend the applicant contacts the Environment Agency, on 0845 988 1188, to sign up for the Floodline Warnings Direct service.

The Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products can be found on [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

*DRAINAGE ENGINEER* - I note the Environment Agency's objection dated 24 September and their response for more information. I await the provision of the additional information.

*LANDSCAPE* - I would like to see the existing vegetation along the stream retained and buffered. This area is significant for landscape and biodiversity reasons and forms part of the River Tone and tributaries Local Wildlife site. In addition I would also like to see some tree planting in the new car park and in the landscaping strip along Castle Street. All proposed trees along the stream should be native species. If permission is granted the general wildlife condition should be used.

*BIODIVERSITY* - The proposal is the erection of a Lidl food store with parking on



land off Castle Street, Taunton. The survey area comprises a mosaic of hard standing, dense scrub, woodland and ephemeral vegetation. A partially wet ditch forms the southern boundary.

Devon Wildlife Consultant's carried out an Ecological Appraisal of the site in August 2014.

Findings of the reports are as follows:

### Badgers

The surveyor found no signs of badger on site.

### Bats

It is likely that bats use the trees and wet ditch along the southern boundary. The rest of the site is dominated by hard standing and bare ground, likely to be illuminated by nearby development and so hold less value for foraging bats. Individual trees were assessed as having no bat roosting potential. I support the proposal to erect 20 bat boxes on site.

### Birds

The woodland and scrub on site are likely to be suitable for nesting birds. Vegetation should only be cleared outside of the bird nesting season. I support the proposal to erect 20 bird boxes on site.

### Otter

It is likely that otters use the partially wet ditch to the south of the site, therefore I support the precautionary measures proposed.

### Reptiles

The habitat on site is suitable for reptiles but due to its isolated location, it is considered that the presence of reptiles is unlikely.

I support the recommendations made within the report with regards to species. As it is proposed to remove most of the vegetation on site to accommodate the development, I consider that a robust landscape scheme is necessary to compensate. (The wildlife report suggests at least 500m<sup>2</sup>) I would like to see new native planting planted along the roadside and alongside the ditch on the southern boundary.

### Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultant's Ecological Appraisal dated August 2014 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 wildlife could be harmed by disturbance.
  3. Measures for the enhancement of habitat and places of rest for, wildlife

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

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

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect and accommodate wildlife.

### Informative Note

1. The conditions relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process, be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal
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. All British birds (with exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally, this will be from March until September.

*ENVIRONMENTAL HEALTH NOISE* - Thank you for consulting on the above application. A report has been submitted with the application – Environmental Noise Report for Planning July 2014, Acoustic Consultants Ltd

The report gave details of noise monitoring carried by the site from 15:20 until 09:00 the next day (on a Tuesday night). This was used to estimate background noise levels for day and night-time. The monitoring recorded background noise levels of 38dBLA90(1hour) during the store opening hours (08:00 – 20:00) and 28dBLA90(5min) at night-time.

A noise assessment was carried out an assessment in line with British Standard BS4142(1997). This compares the predicted (and rated) noise level from the plant at the site to the existing background levels.

The report states that it is proposed to install a 2.7m high close boarded timber fence (with a mass of 10kg/m<sup>2</sup>) on boundary with nearest residents to attenuate the noise, and that this is included in the model.

The noise from the proposed development was modeled from noise data for the plant on site (refridgeration, bakery freezer plant and 4 air conditioning condenser plant). Noise levels at two nearby residential premises were predicted using a computer model (at 1.5m high for daytime and 5m high for nigh-time). The noise assessment assumed daytime background level of 38dB LA90(1hour) and night-time level of 30dB LAeq(5minutes) (rather than the measured level of 28dB – as the BS4142 assessment says it is not suitable for when background levels are below 30db). The predicted noise levels were given a rating of 5dB (a correction to take into account tonal/impact irregular features). The assessment found that the predicted noise did not exceed background levels during the day, however, at location “R1” (6-8 Bath House Court) the rating level exceeded background levels by 4dB.

### Comment

Environmental Health would normally recommend a condition for sites where noise could affect nearby residents or other noise sensitive premises (see attached). This recommends that the noise from the site should not exceed background levels at night. The report with the application says that noise levels at nearby premises could exceed background levels by 4dB at night. It should also be noted that this assessment used a background level of 30dB rather than the measured 28dB.

The applicant should look at ways to reduce noise from plant at night.

The plan in the report shows the plant is located on the facades closest to the nearby houses (although, the elevation drawings do not show the plant). Would it be possible for the refrigeration plant be moved to a different façade and the bakery plant moved further from nearby houses? Or could the plant be enclosed? This would be of most benefit for the plant operating at night and on the sides facing nearby housing.

The report mentions that a 2.7m high close boarded fence will be used to provide some noise attenuation. However, the plans in the report do not show where the fence is to be located. This should be clarified, and a condition used, if needed, to ensure that the fence is constructed as detailed in the report.

The loading bay of the store is close to residential premises. There are no details of the times of deliveries or any steps that would be taken to minimise any noise disturbance from the movement of lorries and unloading. Could the applicant provide these details? Another way to minimise any disturbance would be to use a planning condition to restrict deliveries at night (I understand that the existing Lidl store has a condition regarding night-time deliveries).

*ENVIRONMENTAL PROTECTION CONTAMINATED LAND* - Historical maps indicate that the site was in agricultural use (fields) prior to being built on (YMCA and tennis courts). Whilst a contamination ground condition is not required, the applicants should be aware of any filled ground/contamination during the initial stages of construction (foundations/footings). This is due to the close proximity of the large historical gas works.

*SOMERSET WILDLIFE TRUST* - The proposed site is currently derelict and

isolated from other environments which would potentially be more attractive to wildlife. Therefore we would agree with the findings in the report and we would fully support the recommendations in Section 4.3 of the report which proposed enhancements in the form of bat and bird boxes and the use of native species in the on-site planting scheme. We would request that those enhancements are incorporated into the planning conditions if it should be decided to grant permission.

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* - New floor area is shown as 1929sqm and at a rate of £140 per sqm this equates to a liability of £270,000.

### Representations

1 letter of support.

2 letter of no observations.

2 letters of no objection and it will be nice to see the site put to a good use and would prefer not to see grey cladding.

4 letters of objection on grounds of

- development will compromise any new access to Parkhaven preventing its development as indicated in policy and this would devalue the site,
- increase in traffic flow and frustration levels,
- other areas could benefit from a local discount store,
- Increase in traffic chaos in area,
- Wrong site and it should be used for flats,
- Noise pollution from air conditioning units,
- loss of trees,
- Making traffic entering adjacent site more difficult and road markings should be provided.
- Noise pollution during construction and pile driving as well as light and dust issues and working hours.

### **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
TG2 - TTCAAP - Tangier Sites,  
TR2 - TTCAAP - Parking in New Development,  
TDDG - Taunton Deane Design Guide,  
TG1 - TTCAAP - Wood Street Sites,

### **LOCAL FINANCE CONSIDERATIONS**

The CIL rate for retail development outside of the town centre is £140 per square metre. On the basis of the current submission this would roughly equate to a figure of £270,000.

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations with the proposal are compliance with the various policies of the development plan in terms of use, design, flood risk, traffic flow, wildlife and impact on amenity.

### Policy

The site lies within the area of Tangier which has been identified for mixed use development in the Taunton Town Centre Area Action Plan (TTCAAP). Policy Tg2 identifies the general area to accommodate a minimum of 3000sqm of gross additional comparison and convenience retail floor space. The site is identified in the policy of taking 1000sqm of retail and up to 50 residential units. The current scheme provides for 1929sqm of floor space and this is more than the 1000sqm identified in the policy. However it is proposed that the floor space would be a replacement for the existing Lidl store and so would only in fact result in an increase in 289sqm of sales area. This is considered a negligible increase in terms of overall capacity.

The policy in respect of the area dates from before the financial crash in the market for flat developments and the while the policy identifies potential for 50 units and the potential for student accommodation, it is now considered that this would be unlikely to come forward in the immediate future in light of the economic climate and of the plans for Somerset College. The current purely retail scheme offers an opportunity to secure an alternative site for Lidl to relocate and so free up their existing site in accordance with policy Tg1 of the TTCAAP.

Another element identified in the table relating to the policy is access to Parkhaven which is a site to the south of the Galmington Stream. The stream side is within flood risk zone 3 and advice from the Environment Agency is not to seek access through areas at risk unless it can be avoided. To provide an access across the stream would result in the loss of a number of trees and loss of flood storage capacity as well as limiting the development of the site. The height of the land would also need to be raised to secure a link that was free from flooding. As the developer points out the significant raising of land that would be required would be costly, added in the loss of ecological value and the prohibitive bridge cost, it is highly likely therefore that the cost of achieving a new bridge and flood storage capacity would make the small development of up to 10 units at Parkhaven unviable. The Parkhaven site has a limited access and given its location to the town centre would be suitable for a car free scheme. Provision of access thorough the Lidl application site would make the scheme unviable. It is also not considered that the non provision of an access in the current scheme would prevent the development of the adjacent site and so be contrary to the plan allocation.

The use of the site by Lidl will bring back into use a derelict brownfield site and secure an appropriate use. It will enable Lidl to provide an improved store and it is agreed that is being made on the basis that the existing store would be demolished and the use revoked. This would need to be secured by condition/legal agreement and in doing so this would enable the potential implementation of policy Tg1 in respect of the existing Lidl site. In addition an agreement by Lidl to revoke the use of their original site would safeguard the retail capacity in the area and avoid over capacity in less sequentially preferable location. This therefore has to be given weight in terms of the overall benefits of the scheme.

## Design

The site lies within Tangier which is covered by the Town Centre Design Code SPD. This sets out the design rationale for developing sites within the area of the Town Centre Area Action Plan. The code does recognise that there may be special circumstances which require the design principles to be broken and these may include specialist uses for the site which require changes to the parameters. The Code identifies the need for street trees and these are to be incorporated into the frontage of the site. The block code for the area is B05 and this identifies that the height of development should be 3-4 storey on the Castle Street frontage and that the scale of development should reflect the scale and character of adjacent development. The developer considers that there is no overwhelming local vernacular and the nearest similar use is the modern Tesco store opposite. The proposal is modern and the developer considers it to be clean and sharp incorporating high quality materials with render and cladding finishes. Certainly it is considered that the design is modern and the massing and roof are sensitively designed in respect to neighbouring residential properties, although the result of this is the height of the scheme is around 9m and not the 3-4 storey of the code. It is considered that this reflects the scale of the Tesco store opposite and divergence from the design code has to be weighed against the overall benefits of the scheme.

The edge code for the area seeks to achieve active frontages on the main Castle Street and with this in mind an amendment has been sought to improve the extent of glazing on the Castle Street frontage. This has helped to break up the mass of the elevation and bring interest to the street. Further compromise on this point has not been able to be achieved as the area of the store concerned is occupied by ovens and a freezer and the applicant is unable to reconfigure the store layout. Consequently the Authority is being asked to accept the revised submission as the best compromise.

## Drainage

The site lies within an allocation for a mixed use as identified in the Local Plan and as such has been considered in terms of the Strategic Flood Risk Assessment. As a consequence the development does not require a Sequential Test. A Flood Risk Assessment has been submitted with the application which identifies the proposal to be within an area of flood risk but the proposed use is a less vulnerable one. In order to address the risk, the levels will be raised across the site to 16.99m to take account of climate change. A compensatory flood storage volume of 2383.5m<sup>3</sup> has

been calculated and the use of flood storage capacity at Longrun Meadow is proposed. If accepted this would need to be secured via a legal agreement.

The surface water of the current site flows into the Galmington Stream on the southern boundary on the site. The intention with the new development is to limit flows to the stream at brownfield run off rates. This will require the provision of storage capacity of 110m<sup>3</sup> on site in order to limit flows at the worst case climate change scenario. It is proposed that this will be provided by an attenuation tank under the proposed car park. The Environment Agency has raised no objection and recommends conditions to secure the flood storage capacity and surface water attenuation.

The foul drainage for the site is proposed to link in to existing Wessex Water sewers and this would need to be agreed with Wessex Water.

### Access

The access to the site is via the existing junction with the Third Way road and the visibility here is acceptable in both directions. The Transport Statement indicates that the increase in traffic from the new store will be negligible and this is accepted by the Highway Authority on the basis of the cessation of the existing store use. This will be sought through a legal agreement. Both traffic generation and increase in queuing are considered to be at acceptable levels and not to cause highway problems. The site provides for 70 parking spaces and this is in line with the parking standard in the Area Action Plan and the Highway Authority consider this level acceptable given the location. The access into the site will be realigned and the Highway Authority recommend that this is conditioned and it is recommended that this is carried out prior to the store being brought into use. A grampian condition in respect of the Travel Plan is also recommended to avoid undue legal delay with the Section 106. The Highway Authority consider the site is located in close proximity to the town centre and adjacent to a public car park. There is a bus stop within walking distance of the site that provides a frequent bus service and furthermore there are good pedestrian and cycle links to the town centre. As a consequence the site is considered to be accessible in highways terms.

### Landscape and wildlife

A Tree Survey and an Ecological Survey have been submitted with the application and no protected species have been identified on site. The tree survey identifies a number of trees that would need to be felled as part of the development, including four over mature willow which have a limited life span. In all 33 trees would be felled and replacement tree planting is proposed. This will include replacement planting along the stream as well as additional planting along the road frontage to reflect the design code. There will be scope to enhance habitat planting along the stream side and to replace the trees that have to be removed. A condition in respect of landscape planting and one in respect of protection of wildlife and habitat are considered appropriate and necessary to secure maintenance of wildlife habitat on the site.

## Amenity

An Environmental Noise report has been submitted with the application and this looks at background noise levels within the area and the levels likely to be caused by the use of the site. The nearest properties are 12m away to the south. The noise generation from the site includes refrigeration plant which would be in operation 24 hours a day and therefore suitable mitigation is considered necessary to address this. A close boarded boundary fence is proposed to attenuate the noise from plant. In addition to a condition to secure this, it is considered appropriate to condition details of the precise location of the plant and any necessary enclosure to ensure noise levels comply with the report and do not cause a noise nuisance. A noise level condition is recommended by the Environmental Health Officer. Another potential noise source is deliveries and conditions to address the delivery ramp and use of vehicle refrigeration units are considered appropriate and necessary to safeguard the amenity of properties to the south. A note concerning use of reversing alarms is also recommended.

## Summary

In conclusion the proposal is for the retail use of a brownfield site in a sustainable location within the area of the Taunton Town Centre Area Action Plan. The access and traffic generation are considered acceptable and in the circumstances the retail use of the site is considered to comply with policy Tg2. The surface water drainage for the site is considered acceptable and compensatory flood storage capacity can be secured. Suitable noise conditions can be imposed to safeguard amenity. The scheme would also allow the existing Lidl site to be reused in compliance with policy Tg1. The benefits that will be secured through granting permission are considered to outweigh the disbenefits of the scheme in terms of form, design code and lack of link to Parkhaven and the application is recommended for approval subject to conditions and a legal agreement.

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

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



42/14/0061

MR S HARRIS

**CHANGE OF USE OF COTTAGE ANNEXE TO SEPARATE UNIT OF ACCOMMODATION AT COMEYTROWE MANOR WEST, HIGHER COMEYTROWE, TAUNTON**

Location: COMEYTROWE MANOR WEST, LIPE HILL LANE, COMEYTROWE, TAUNTON, TA4 1EF

Grid Reference: 320435.123365

Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

Comeytrove Manor West has an extremely close relationship with the annex building, which is located only approximately 7.5 metres away. The use of the annex as a self-contained residential unit, by means of the close proximity, window positioning and requirement for amenity space, would result in mutual overlooking to the detriment of the privacy of the occupiers of both properties. Furthermore, the scheme does not include any private amenity space to serve the proposed dwelling. As such, the proposed scheme is considered to result in harm to the residential amenities of the main dwelling and future occupiers of the proposed dwelling. In addition, the requirement to provide a separate definition of curtilage with associated walling or fencing, by virtue of the use of the building as a separate residential unit, would detract from the setting of the main dwelling, which is a listed building. It is therefore contrary to Policies DM1(e) (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy and Paragraphs 17, 129, 131 and 132 of the NPPF.

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

Notes to Applicant

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

**PROPOSAL**

Comeytrove Manor West is a roughcast render and slate three storey semi-detached property. It is accessed via Comeytrove Lane, sharing an access

with the Comeytrove Manor Industrial Estate, which abuts the property to the north and west. The dwelling is attached to Comeytrove Manor East and together the properties are Grade II Listed. Within the curtilage of Comeytrove Manor West, directly to the west, only approximately 7.5 metres away is a large two storey linear building, currently used as an annex to the main dwelling, known as Bakers Cottage.

It is important to note that the property has in the past been occupied as an independent dwelling, which was brought to the attention of the Planning Enforcement Department in early 2013. Following consideration of the independent use of the building, it was resolved by committee on 22 May 2013, to take action to cease the use of renting Baker's Cottage as a separate unit of accommodation due to the relationship between the two structures being a close one with overlooking of the private courtyard between the buildings. As such, the use of the annexe building as a separate dwelling was not considered appropriate due to the privacy and amenity issues that result from this closeness. It was also considered that, as a separate dwelling there would undoubtedly be a requirement to separately define the curtilage with associated fencing or walling, which would detract from the setting of the listed building.

An Enforcement Notice was subsequently served on 27 June 2013, requiring the occupation of the building as a separate unit of accommodation to be ceased within 6 months of that date that the notice takes effect. This was subsequently complied with.

This application now seeks planning permission to change the use of the annexe (Bakers Cottage) into a separate unit of accommodation. The annex has its own car parking directly to the north, although there is no separate area of amenity space. It is proposed to separate off an area to the bottom of the garden, to serve the residential unit, which would be accessed through the garden remaining to Comeytrove Manor West and allocate an existing woodshed, also within the main garden, to this unit.

During the processing of the application, clarification was sought regarding the proposals to separate the site. The agent confirmed that no physical boundary or fence is proposed between the Manor House and annex building. The separate area of garden is delineated by a planted border that would establish into a hedge.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*TRULL PARISH COUNCIL* - No comments

*SCC - TRANSPORT DEVELOPMENT GROUP* – “Refer to Standing Advice”.  
Standing advice requires:

#### Parking

1) The parking provision for developments should be in accordance with the adopted SCC parking strategy (Appendix 11.6).

2) The requirements for parking space and garage dimensions are also contained within the adopted SCC parking strategy and should where possible be adhered to (Appendix 11.7).

*HERITAGE* - Given the intimate relationship between the two buildings, the use of what is cited on the submitted plan as “The Cottage” as an annex, was considered acceptable. In addition, as the annex was to function as ancillary accommodation to Comeytrove Manor West, no separate curtilage was required, whereas a separate residential unit would, as shown on the submitted plan.

The garden for the proposed dwelling is remote and hence not conducive to family occupation and is accessed via the garden to Comeytrove Manor West. Clearly the separate garden areas and indeed the separate areas of ownership between the two buildings themselves, will need to be delineated in some way. This is not mentioned in the application proposals or notated on the submitted plan but it is very likely that such would have a detrimental impact on the setting of the principal building, which has already been compromised by the subdivision of Comeytrove Manor into two dwellings.

## **Representations**

*CLLR EDWARDS* – Supports – I cannot see any material harm to the building as a result of the proposals and whilst appreciating the position of the Heritage Lead, do not believe these proposals are of any significance and therefore should be approved.

Four letters of support received on the grounds of:

- Cottage has been occupied as separate dwelling in past without problems.
- Few people have such large families to require it for ancillary accommodation so only logical that it would be occupied by a separate family.
- Industrial Estate has been plagued by vandalism and theft, occupation of building considered to reduce this.
- Changes in future likely to impact on listed building to far greater extent than this.
- Query what will be done with property when no longer required for ancillary purposes.
- Taunton seems to be needed more housing. Large property to be used as an annex.
- If cottage taxed separately, would presumably result in increased total Council Tax.
- Old properties no longer meet present day needs, so presumption that such houses would need to be subdivided.
- Need to look to the future and avoid leaving difficulties for our loved ones.

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

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

Somerset County Council (Upper Tier Authority) £270

### 6 Year Payment

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

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The two storey outbuilding lies approximately 7.5m to the west of the former Manor House. It has been in use for a number of years in connection with the residential use of the main building as an annexe. The building faces out towards the adjacent industrial site and backs onto the courtyard area of Comeytrove West Manor. In the rear elevation facing the main dwelling are two windows at ground floor level, which serve the kitchen/dining room and the sitting room. These windows face towards a principle elevation of the main dwelling, which accommodates the entrance and various windows at ground floor and above. It also faces onto the courtyard area shared with the main house.

The agent has confirmed that it is not proposed to erect a boundary fence or wall between the two properties. Whilst the positioning of these windows and mutual overlooking of the occupiers within the same family would not raise a concern, such mutual overlooking from only approximately 7.5 metres away would prevent the occupiers of both properties from having an adequate level of privacy. It is therefore considered that the amenities of the occupiers of the main dwelling and the future occupiers of the subject building would be harmed. The annex building would appear to share the courtyard area to the rear with the main house, which would also be directly overlooked by it, resulting in a lack of privacy to this element of amenity space.

The scheme also shows an area to the bottom of the garden to be allocated for the proposed new dwelling, although there is no fence separating this site. It is noted that that it is proposed that the planting will grow up over time to provide a hedge, however this would take some time resulting in there being no private space available to the property in the meantime. In addition, the allocated garden to serve the proposed dwelling is remote from it, being accessed via a walkway through the garden to Comeytrove Manor West and, resulting in an awkward relationship with the property it serves.

The agent has confirmed that no fence/wall is proposed. However, if such a

boundary was proposed in an attempt to overcome the above concerns and to separately define the curtilage, this would raise concerns of a different nature. The relationship between the main house and annex building is extremely intimate and the continued use of the "cottage" as an ancillary building has been in harmony to date, without the need for any separation of curtilage or space. The installation of a boundary between the main dwelling and annex would detract from the important relationship between these two buildings, as well as result in harm to the setting of this important grade II listed building, to the detriment of its historic character. It is also important to note that the setting of the principal building has already been compromised to a certain extent by the subdivision of Comeytrove Manor into two dwellings. The level of increased harm as a result of such further works is however deemed to lead to a significant increased detrimental impact.

Whilst it is noted that the building is of a size that could be occupied as a self-contained dwelling, with adequate access and parking available, the scheme would result in mutual overlooking between the main dwelling and proposed residential unit and would not benefit from any private amenity space. As such, the scheme would therefore be contrary to the provisions of Paragraph 17 of the NPPF, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

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

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

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

MR P JEFFERIES

**ERECTION OF SINGLE STOREY EXTENSION INCLUDING SILO AND CHIMNEY ON NORTH WEST ELEVATION AT RIGID CONTAINERS, CHELSTON BUSINESS PARK, WELLINGTON**

Location: DEPOT, HAM ROAD, CHELSTON BUSINESS PARK,  
WELLINGTON, TA21 9JG

Grid Reference: 315631.121466 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:

(A1) DrNo N5996-01 Survey Plan  
(A1) DrNo HT03301/3/5 Layout Plan  
(A1) DrNo 14050.P.24 Rev A Large Scale Elevations and Sketches as Proposed  
(A1) DrNo 14050.P.23 Rev C Large Scale Plan and Elevations as Proposed  
(A1) DrNo 14050.P.22 Rev C Key Plan and Elevations as Proposed  
(A1) DrNo 14050.P.21 Key Plan and Elevations as Existing  
(A1) DrNo 14050.P.20 Site Plan  
(A4) Report reference 6019/pja - Baseline environmental noise assessment, 25th November 2014

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

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

## Notes to Applicant

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

## PROPOSAL

The existing industrial building is used for the manufacture and processing of corrugated cardboard as secondary packaging for the food and drinks industry, together with the manufacture of recycled paper. The operator (Rigid Containers) needs to install a new state-of-the-art corrugator (machinery) to manufacture corrugated cardboard on site. The proposal is to enclose a section of area under an existing external canopy to provide enclosure to a proposed new starch kitchen and boiler. These works are therefore within the existing building envelope. The net extension under the existing canopy is proposed as 102 sq. m. The starch kitchen will be served by a large external silo and the boiler by an external self-supporting vertical chimney coloured to match the building. Cladding and brickwork walls will be installed to closely match the existing. The new works proposed will allow the business to increase its turnover and increase the number of employees from the existing 52 to about 140 people over the next couple of years. Access to the proposed extension will be gained off the buildings existing concrete accessway where there are currently dock access points. No car parking or manoeuvring space will be lost to provide this extension. Even with the new extension, vehicle movements to and from the site will be considerably less than when the site was operated by the previous occupier - the co-operative regional distribution centre.

The Existing use of the building will not change from its current authorised use as a B2 (General Industrial) use.

## SITE DESCRIPTION AND HISTORY

The building forms part of the Chelston Business Park on the outskirts of Wellington. The business park has a number of different buildings comprising B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). The business park has good highway links to the strategic road network at Junction 26 of the M5 Motorway. The building has a landscaped bund around the outer edge of the site with residential development on the eastern side. The western side of the site has other employment uses surrounding it.

The building was constructed in the 1990's In accordance with planning consent 46/89/0037. This permission had a number of planning conditions attached, some of which remain applicable to the current authorised use – e.g. noise limitations. The building was granted planning permission in March 2013 to change its use from class B8 to B2 under consent ref: 46/13/0003.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*WEST BUCKLAND PARISH COUNCIL* - The Parish Council recommend that planning permission is refused for the following reasons:

- 1). The building cannot be extended without detriment to the amenities of the area and particularly to the residential development on the eastern side, which is in close proximity to Rigid Containers (DM 1 of the Core Strategy).
- 2). The inaccuracies of the noise assessment which was taken when trees were in full leaf and noise would have been blocked. The prevailing wind takes noise in the direction of Castle Cottages and Cob Castle Cottages so the noise assessment needs to be run again while the trees are not in leaf.
- 3). Smell and emissions. There is concern about the potential of a noxious smell from the process which would affect the amenities of the residential development on the eastern side and other businesses on the Business Park.

The Parish Council ask that if the application is approved then strict noise conditions are attached to the permission. Rigid Containers has been running an external generator, sometimes for 24 hours per day, to the great detriment of local residents due to the noise and vibration. This generator appears to have been sited where development is proposed. The Parish Council would also ask for a restriction to working hours to protect the residential amenities of the area.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - A noise assessment has been submitted with the application. The report includes details of the monitoring of background noise levels over a 6 day period. The assessment then proposes site specific noise criteria based on BS4241(2014) (which is a guide for assessing noise from commercial premises in mixed commercial/residential areas). It recommends that the noise should be limited to “no worse than an adverse impact” and that this might occur at a rating level 5dB greater than the representative background noise level. The report concludes that the proposed development will have a “low potential noise impact as the new corrugator will be housed completely within the main building and will have local acoustic enclosures to control noise levels to 85dB LAeq or less for the operating staff. Once details of the corrugator become available a full assessment of breakout noise can be provided”.

The Design and Access Statement with the development states that “The noise levels expected will not have an adverse impact on residential amenity and will not affect the LPAs ability to grant approval for this scheme”.

There is a planning condition on the site regarding noise (below). I understand that a similar condition was on the site when it was in its previous use as a distribution depot and it was carried over to the new industrial use.

46/13/0003 Condition 7 states that –

*The equivalent continuous noise level, Leq (15 minutes) shall not exceed the*



*existing background daytime Leq (12 hours) between the hours of 0700 and 1900 or the existing background night-time Leq (12 hours) between the hours of 1900 and 0700 by more than 5 dB(a) at any time during the stated period. Any noise levels incorporating audible tone components shall not exceed the background Leq (15 minutes) at any time. The point of measurement shall be the site boundary as identified by the red line on the submitted location plan*

*Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise in accordance with DM1 of the Core Strategy.*

However, neither the Noise Assessment nor the 'Design and Access Statement' mention the condition. The Assessment does suggest a noise criteria of 5dB above background level, which is in line with the noise condition. It should be noted that on new developments Environmental Health would normally recommend that noise levels do not exceed background levels at night.

Regarding noise from any new plant the report does not give details of the noise levels, although it does state that the corrugator will be enclosed and inside the building. If the noise from the corrugator is restricted to 85dB LAeq at the operator it is unlikely to be loud enough to cause a problem at nearby premises, although an assessment based on the specific noise data, building details etc. would be needed to confirm this. There is no mention of noise levels from any other new plant, for example, anything associated with the starch kitchen/boiler.

Any new plant on sites should be designed and operated so that does not breach the existing planning condition. It would be preferable if it could be designed so that the noise level does not exceed the background level at night.

I am aware that some nearby residents have raised concerns about odours from the starch kitchen/boiler. There is no information about odours with the application, therefore I am not able to comment on the potential for odours to affect nearby premises. I note that the flue does extend above the level of the roof of the main building which will help to disperse any odours (the flue should not have a cowl fitted that would restrict any upward movement of fumes/gases)

## **Representations**

As of the date of compiling this report the LPA had received 51 letters of objection of which 42 are the same letter with different signatories. A 57 signature petition has also been received, although many of the signatories are counted in the separate letters of objection. The main points that are raised are as follows in all of the representations are as follows -

- It comes to light that rigid containers will be operating 24/7 and this surely is totally unacceptable.
- The smoke and smell that the chimney will be omitting is very worrying.
- Boiling starch will produce a very bad smell in to local residents' homes.
- Air pollution will affect the quality of people's lives.
- Peoples sleep will be disturbed.
- The noise test for this was done in the summer when trees and shrubs had full

- foliage. Should have been carried out in the winter months.
- Currently the background noise levels are 32db (day) and 26db (night). They want to raise it to 41db (day) and 35db (night). This will have a significant adverse impact on residents.
  - The applicant intends to run this starch burner 24 hours a day which will cause considerable noise and odour pollution to an already polluted area.
  - I am not happy that there is going to be a silo and starch boiler on my doorstep.
  - This will increase noise levels and be very smelly.
  - This is even closer than the landfill site.
  - The smell of starch and the sound from the building will depreciate the value of the properties which TDBC have a stake in.
  - The noise survey should have been carried out in wintertime when the trees are bare and noise travels further.
  - Very concerned about the noise levels and potential unpleasant smells.
  - It will have a detrimental effect for people living at Cob Castle and Castle Cottage
  - The smell and noise will make life unpleasant.
  - I believe this planning permission would lead to 24hr noise and also unpleasant smells. This would obviously affect our standard of living.
  - The noise monitoring that was done back in May indicates an increase in 11db of noise if Rigid containers get planning granted and according to their report this would have a "significant adverse impact" on the residents.
  - Why have Rigid Containers purchased their equipment before planning has been granted.
  - When this site was a distribution site we had no noise but since TDBC granted permission for manufacturing we have noise 24 hrs a day.
  - The starch kitchen will make our homes and gardens smell like 'babys vomit'.
  - We can't open our windows at night because of all the noise coming from this building. If you allow the starch kitchen we won't be able to open them by day either.
  - Quality of life will be reduced for families in the area with 24 hour noise and smell.
  - Distinct lack of consideration for local families.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
 CP2 - TD CORE STRATEGY - ECONOMY,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 SP3 - TD CORE STRATEGY REALISING THE VISION FOR WELLINGTON,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 CP8 - CP 8 ENVIRONMENT,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,

## **LOCAL FINANCE CONSIDERATIONS**

The proposal will not be liable for a CIL contribution and will not result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations with this application are

- Planning policy;
- The business and economic case;
- Highways impact;
- Visual amenity (appearance);
- Residential amenity (noise and odour).

### Planning policy

The National Planning Policy Framework makes clear that 'significant weight should be placed on the need to support economic growth through the planning system (paragraph 19). It goes on to say that planning should operate to encourage and not act as an impediment to sustainable growth. Given that this site is long established, in a recognised industrial estate, well served by public transport, with good local road networks and will be providing additional employment opportunities close to existing areas of population, it is considered that the proposal amounts to sustainable economic growth. The proposal does therefore meet this important consideration of the NPPF

More locally, the adopted Taunton Deane Core Strategy clearly supports economic development through policies such as strategic objective 2 (economy) and CP2 (economy). Policy SP3 (realising the vision for wellington) makes clear that new employment growth outside of Taunton should be concentrated in Wellington and the Chelston area in particular. Policy SP1 (sustainable development locations) states that proposals should make efficient use of land and follow a sequential approach, prioritising the most accessible and sustainable locations and maximising opportunities to make best use of previously developed land where possible. The proposal meets all of these aims. The application will need to demonstrate that it meets the 'General requirements' of policy DM1, and it is considered that it does. DM1a requires the proposals to make the most effective and efficient use of land, and expanding an existing industrial site clearly meets this aim. DM1b stipulates that proposals must not lead to adverse highways problems. This site is well served by a network of roads built to serve industrial premises, and there are good public transport links locally. Policy DM1b is therefore met. DM1e asks that new proposals should not unacceptably harm (amongst other considerations) residential amenity. This is more difficult to judge, and is the basis for most of the objections received. This will be covered in more depth below, but other than policy DM1e, it is true to conclude that the proposal meets all of the tests of both national and local policy.

### The business and economic case

This is an established business that operates in an established industrial estate. The company has other plants in the north of England. The new plant equipment and facilities that this proposal will allow for represents a major investment for the company allowing the business to increase its turnover and increase the number of employees. The company currently employs 52 people and the new corrugator will provide 30 new jobs immediately with an eventual increase to about 140 (source: the Council's Economic Development Manager). The proposal will therefore provide a

considerable amount of new jobs and will be important to the local economic sector. The extension will also allow a streamlining of the business in general so that all of the processes will be completed on site thereby reducing the need to transport materials involved to the site. This makes good sustainable economic sense. There is therefore a sound and positive economic case for this proposal, and whilst this should not necessarily be given precedence over other valid planning considerations, it does carry significant weight as part of the planning process.

### Highways impact

The existing building is situated within Chelston Business Park, which has been purposely designed to take business and commercial enterprises such as this. It is within a sustainable location having good access to the local hinterland and the motorway network for vehicle movements to and from further afield. Locally there are good existing transport linkages and access to sustainable transport modes. The site is therefore ideal for an expansion of operations in highways and transportation terms.

It is not proposed to alter the parking arrangements or numbers. However, even with the proposed growth in employment opportunities, the proposed new workforce would be just over a third of the size that occupied the building when it was in use by the Co-operative Society as a distribution depot. Therefore it is considered that the parking provision is more than adequate.

Information has been provided to substantiate that there would still be a large reduction in HGV movements at the site with the proposed expansion over the previous use as a depot for the Co-op. The previous use had built in provision for approximately 77 HGV movements a day whereas the number proposed for this new use will be approximately 4 per day. There will not therefore be any difficulties arising from this proposal with the movement of heavy goods vehicles.

The traffic and transportation implications of this application are clearly well within the capacity of the site and there are no adverse highways issues arising from this proposal.

### Visual amenity

This is an industrial building in a business park and so appearance is not so crucial. There are already many forms and styles and the individual units reflect the needs of the individual businesses. In any event the proposed elevational changes will be difficult to notice as the extension will not protrude beyond the existing canopy and the materials are shown to match. The extension will therefore blend in well with the existing building. It is also the case that the extension and new silo will be placed on the north-western elevation of the existing building meaning that it would not be visible to the residential properties at Castle Cottages and in Cobb Castle, which is where most of the objections have come from. It would be in line of sight with the 3 properties on Ham Road, namely Applecombe, Chalfont and Ham House, but the distance from the nearest point of the nearest property would be 100 metres and there is a car park and boundary screening in between. There are no buildings of any description immediately opposite the proposed extension on the other side of

Ham Road, as this is an open undeveloped parcel of land that eventually leads to the former landfill site. The proposal includes a new external silo which is required for bulk storage to feed the new starch kitchen and a flue from the new boiler room. The silo would only be visible on the north western elevation as it extends upwards to a point below eaves level. The flue will protrude above the roof by approximately 1.6 metres and so would be visible from all round. However the protrusion is relatively small and the diameter of the flue is only 0.55 metre, so the impact is considered to be negligible. It is not therefore considered that there would be any visual detriment to any recognised interest of acknowledged importance such as would justify refusal on this issue.

### Residential amenity

This is the one issue that has caused the most concern amongst those that have written in as part of the consultation process. The two key issues here are 1) possible noise pollution arising from the new works, and 2) potential for smell arising from the proposed starch kitchen.

On the issue of noise, the applicant has submitted a full 'baseline environmental noise assessment' as part of the application. It suggests noise limitations for daytime and night time operations at the building. The planning permission which allowed the current company to operate at the site (46/13/0003, granted on 19 March 2013) has a stipulation regarding noise as condition 7, and this is still in force and will need to be adhered to. There is no proposal as part of this application to alter this and so it remains in force. The issue of noise has been referred to the Council's Environmental Health Officer, and his comments are that the noise assessment and the condition use different parameters for testing the impact of noise, so there is no way of knowing whether or not the proposed new plant would be within the boundaries set by the extant planning condition. This has to be the starting point for understanding whether or not the proposal is acceptable in this regard. Clearly if any proposed new noise levels that might be generated by the new equipment was within the bounds of the existing condition, then there can be no reason for refusing the application on noise grounds as it would comply with the parameters set by the Council for this company on the previous planning permission.

However, if the proposed noise levels exceeded the levels set by the condition, then Members would need to decide whether the increase was acceptable so that approval could be given, perhaps with further clarifying conditions, or whether the increase was likely to be so injurious to residential amenity that conditions would not ameliorate any harm and refusal had to be considered. The agent has been asked for the information required in this regard, and these will be received and checked by the Environmental Health Officer before the Committee date. Members will therefore be advised of the results of this process at their meeting.

It should be noted that the company did have to use an external generator over the Christmas period to serve the existing plant owing to difficulties with the usual power supply. That did cause difficulties to local residents, and this has been noted. However, the power supply problem has now been resolved and the generator removed, thereby eliminating this particular noise issue. Members should not judge the likely noise impact arising from the current proposal based on the exceptional difficulties experienced over the Christmas period. The Christmas incident and the current proposal are not related and are not comparable.

In respect of potential odour pollution, it is not considered that this is likely to be an issue by the Environmental Health Officer. The main cause for concern with local residents would appear to be the proposed new starch kitchen. Very little information has been submitted about the potential for odour pollution, and the applicant has been asked for further information in this regard. It is considered that this is unlikely to be an issue that would have to result in a refusal, and Members are reminded that Government guidance explains that local planning authorities should always consider whether conditions could overcome any perceived problem before considering refusal of a proposal. In this instance, it is recommended that it would be appropriate to wait for the additional information regarding smell that has been requested. This will be available to discuss with Members at their meeting and will be informed by an accompanying view from the Environmental Health Officer.

### Conclusions.

On four of the five main considerations, the proposal does meet the tests of national and local planning policy, it is a sustainable solution in terms of any potential highways impact, the proposal would be hugely beneficial to the local economy creating employment opportunities and other significant benefits for the business community and the area in general, and it is not considered that there are any adverse visual amenity issues that should result in the application being refused. The final issue relating to residential amenity is the most contentious and it is for this reason that Officers have asked for further information so that the matter can be clarified. Subject to the receipt of the additional information requested relating to noise and odour and the validation and acceptance of that information by the Environmental Health officer, the recommendation is that the application can be approved with conditions relating to time, the plans to be approved, external materials. It is not considered that additional landscaping is required to ameliorate any concerns regarding visual and residential amenity, due to the scale and location of the proposals. If the additional information on noise and odour is considered to be acceptable in terms of any potential impact upon residential amenity then it is not proposed to recommend any restriction on the hours of operation as this would not give the business the flexibility it will require.

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

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

21/14/0014

MR P & MRS J HUMBLE

**REPLACEMENT OF SINGLE STOREY REAR EXTENSION WITH THE ERECTION OF TWO STOREY AND SINGLE STOREY REAR EXTENSIONS AT 3 REYNOLDS, LANGFORD BUDVILLE**

Location: 3 REYNOLDS, BUTTS LANE, LANGFORD BUDVILLE,  
WELLINGTON, TA21 0RJ

Grid Reference: 311015.123109 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:

(A4) DrNo 5044 01 Location Plan  
(A4) DrNo 5044 02 Site Plan  
(A2) DrNo 5044 03 PL Existing Floor Plans  
(A2) DrNo 5044 04 PL Proposed Floor Plans  
(A2) DrNo 5044 05 PL Existing and Proposed Elevations

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

Notes to Applicant

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

**PROPOSAL**

The application seeks planning permission for the erection of two storey and single storey extensions to the rear of 3 Reynolds, Langford Budville.

At ground floor the proposed extension will provide a large open plan kitchen and

dining area, with bi-fold and French doors leading out onto the rear garden. Internally walls will be repositioned to create a ground floor office, snug and WC in place of the existing kitchen and dining room. At first floor the extension will provide two new bedrooms, with access being formed off the existing landing area.

It is proposed to finish the extension in painted render, uPVC fenestration and natural roofing slates, all to match existing. The extension will project 4.0 metres beyond the rear wall and extend across the entire rear elevation. Height to eaves and ridge for the two storey extension will be 5.5m and 7.5m respectively; the single storey lean-to will have a height of 4.0m, extending up to first floor cill level.

The applicant is a member of staff.

## **SITE DESCRIPTION AND HISTORY**

3 Reynolds is a semi-detached two storey dwelling, located on the periphery of Langford Budville. The dwelling is of three bedrooms with living, kitchen, dining and bath rooms at ground floor. The property is finished in rough cast render painted off-white, with slate roof and white uPVC fenestration. There is a small lean-to addition at the rear containing the family bathroom. The property benefits from off road parking to the North and enclosed gardens to the South. There are residential properties to the East and West.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*LANGFORD BUDVILLE PARISH COUNCIL* - No comments received at the time of writing.

### **Representations**

None received.

## **PLANNING POLICIES**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider are the impact of the proposed extensions upon visual and residential amenity.

The proposed two storey addition will be positioned centrally within the plot and as a consequence it will not immediately abut the boundaries shared with neighbouring properties to the East and West. It will not project significantly beyond the rear



building line and will not, therefore, result in any significant loss of light or outlook to neighbouring amenity. The extension will introduce one additional first floor bedroom window looking out over the rear garden. This is not considered to result in any adverse impact upon privacy currently enjoyed by neighbouring properties and as such, overlooking is not considered to represent a significant issue in this instance.

Turning to design, the extension is generally in keeping with the character and appearance of the original building. The proposed materials will enable the additions to relate well, visually, with the original property. In terms of scale, the extension is generally in keeping with two storey additions erected to neighboring properties along Reynolds and it is subservient to the original building. The rear of the property is not overly visible from public vantage points. As a consequence of these matters, the proposed development is not considered to adversely impact upon visual amenity or the character and appearance of the original building.

In conclusion, the proposed extensions are considered to be acceptable and will not adversely impact upon visual or residential amenity. It is therefore recommended that planning permission be granted subject to conditions.

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

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

**48/14/0001VSC  
Miscellaneous Report**

PEGASUS GROUP

Section 106BA Variation of S106 conditions

**Application for the amendment of schedule 1 and clause 1.1 of the section 106 agreement for planning application 48/05/0072 requiring 25% of the housing shall be affordable and not 35% concerning land at Monkton Heathfield.**

**Recommendation**

The Planning Committee to agree to grant permission for the S106BA Variation in affordable housing levels from 35% to 25% subject to a suitable mechanism being established to ensure the funding provision of the Western Relief Road in a timely manner.

**Report**

The Consortium have submitted an application for the level of affordable housing on the Monkton Heathfield Local Plan site (planning permission 48/05/0072) to be reduced from the 35% to 25% in order to release sufficient funds to enable the provision of the Western Relief Road.

In April 2013 the Government introduced S106BA into the Town and Country Planning Act 1990 to allow for a variation of S106 agreements relating solely to the quantum of Affordable housing in cases where the cost of that level of Affordable housing made the scheme unviable. Any permission relating to this section is to remain for up to 3 years.

Taunton Deane Borough Council have commissioned an independent viability report which concludes that the scheme granted planning permission under 48/05/0072 is indeed unviable, taking into account the provision of the Western Relief Road.

The Housing enabling Officer has been involved in the process and accepts to the principle of the reduction in this case given the long term benefits to the continued delivery of Affordable housing for this site and the future Core strategy site.

Discussions are currently underway to ensure that there is a mechanism for the monies released by any reduction in affordable housing to be used to ensure that the Western Relief Road can be delivered without impacting on the timing of the delivery of the approved housing.

**APPEAL DECISIONS FOR COMMITTEE AGENDA – 25 JANUARY 2015**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>INSPECTOR'S REMARKS</b>
APP/D3315/A/14/2226544	CHANGE OF USE OF THE LAND FOR HOLIDAY CARAVANS AND ASSOCIATED WORKS AT PARK VIEW FARM, CULMHEAD (RESUBMISSION OF 29/11/0011)	The proposal is contrary to Policy DM1 (General Requirements) of the Taunton Deane Core Strategy since any increased use made of the existing sub-standard access such as would be generated by the development proposed would be prejudicial to highway safety and Paragraph 32 of the National Planning Policy Framework.	29/13/0016	The Inspector considered the main issue to be the effect on highway safety. The main road has the characteristics of a typical rural road and the section in the vicinity of the appeal site does not have any footways or street lighting. After consideration, the Inspector concurred with the Highways Authority's view that vehicles would protrude onto the main road which would be detrimental to highway safety. The proposed increase in vehicle movements would mean a safe and suitable access to the site could not be achieved for all people. Taking all factors into account the Inspector concluded the appeal should be DISMISSED.

**APPEALS RECEIVED FOR COMMITTEE AGENDA – 28 JANUARY 2015**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/A/14/2229073	PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM AGRICULTURAL BUILDINGS TO DWELLING HOUSES (USE CLASS C3) AND ASSOCIATED BUILDING OPERATIONS AT FITZROY FARM, TAUNTON	25/14/0030/CMB

## Planning Committee – 28 January 2015

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

Officers: - Matt Bale (Development Management Lead), John Burton (Major Applications Co-ordinator), Gareth Clifford (Principal Planning Officer), Julie Moore (Major Applications Co-ordinator), Tim Burton (Assistant Director of Planning and Environment), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor)

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

(The meeting commenced at 5.00 pm)

### 11. Apologies/Substitution

Apologies : Councillors Bishop and Gaines

Substitution: Councillor Mrs Reed for Councillor Bishop

### 12. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Coles also declared that he knew the agent for application No. 38/14/0355. He felt that he had not fettered his discretion. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor C Hill declared that he was the direct neighbour of land the subject of application Nos 26/14/0017, 35/14/0015, 35/14/0023, 35/14/0024, 35/14/0025, 35/14/0021 and 35/14/0022. He left the meeting during consideration of these items. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. He also declared that he knew the agent for application No. 38/14/0355. 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. All Councillors declared that they had received correspondence on application No. 38/14/0282

### 13. 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:-

**35/14/0015**

**Change of use of land for the storage of felled timber at Appley Orchard Farm, Appley Cross, Stawley (retention of works already undertaken)**

**Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A1) DrNo 200-01 Site and Location Plans;
- (b) The use of site for the storage of timber hereby permitted shall be carried out solely by the applicant Mr Sam Owen and his spouse and shall be limited to benefit the applicant, Mr Sam Owen, only;
- (c) The site shall be used for agricultural purposes and the storage of timber only and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification);
- (d) The storage of timber shall be restricted to be only within those areas shown hatched on Dr No JW/0960/0514 200-001 and no timber stack shall exceed 4 m in height above existing ground level;
- (e) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), the operation of any wood chipping machinery/apparatus within the site shall be limited to twelve (12) days within any calendar year and shall be limited to take place for a maximum of five hours on any one day between the hours of 08.00 and 16.00 on those days. Chipping shall not take place on weekends or Bank Holidays; there shall be no more than two days chipping within any calendar month and the chipping shall not be undertaken on consecutive days. There shall be no more than one chipper operating at any one time on the site;

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

**35/14/0023**

**Erection of poultry building (unit 1) with associated infrastructure and formation of vehicular access at Appley Orchard Farm, Appley Cross, Stawley**

**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:-
- (A1) DrNo 200-01 Location Plan;
  - (A1) DrNo 200-02 Survey Plan;
  - (A1) DrNo 200-03 Site Plan;
  - (A1) DrNo 200-04 Site Plan;
  - (A2) DrNo 200-05 Floor Plan and Elevation Unit 1;
  - (A3) DrNo 200-06 Site Sections;
- (c) The roof of unit 3 and its associated bulk feed bins shall be finished in the colour of 'merlin' grey (BS: 18B25) or equivalent in accordance with the e-mail received from the Agent dated 19 January 2015. All other colours shall be as submitted on the plans hereby approved;
- (d) No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use;
- (e) The proposals hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures suggested in the Ecological and Protected Species Survey submitted by Eco-Check Consultancy dated September 2014 and received by the Council on 1 December 2014;
- (f) (i) Before any part of the development hereby approved is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (g) The depopulation of poultry from the unit hereby approved shall not take place outside the hours of 07:00hrs and 19:00hrs;

(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

had negotiated amendments to the application to enable the grant of planning permission; (ii) 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; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England . Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (iii) Applicant was advised that if the total number of poultry places of all three sheds exceeds 40,000, the installation will require a permit from the Environment Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement; (iv) Applicant was advised that the site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance; (v) Applicant was advised that there must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches; (vi) Applicant was advised that the storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage; (vii) Applicant was advised that the storage and delivery areas for feed should be constructed in such a way as to minimise the risk of run-off or dust causing pollution; (viii) Applicant was advised that storage of litter should be on an impervious base with contained drainage. If, however, this is impractical, it may be acceptable to use temporary field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code)).

**35/14/0024**

**Erection of poultry building (unit 2) with associated infrastructure and formation of vehicular access at Appley Orchard Farm, Appley Cross, Stawley**



## Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 200-01 Location Plan;
  - (A1) DrNo 200-02 Survey Plan;
  - (A1) DrNo 200-03 Site Plan;
  - (A1) DrNo 200-04 Site Plan;
  - (A2) DrNo 200-05 Floor Plan and Elevation Unit 2;
  - (A3) DrNo 200-06 Site Sections;
- (c) The roof of unit 3 and its associated bulk feed bins shall be finished in the colour of 'merlin' grey (BS: 18B25) or equivalent in accordance with the e-mail received from the Agent dated 19 January 2015. All other colours shall be as submitted on the plans hereby approved;
- (d) No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use;
- (e) The proposals hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures suggested in the Ecological and Protected Species Survey submitted by Eco-Check Consultancy dated September 2014 and received by the Council on 1 December 2014;
- (f) (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;
- (g) The depopulation of poultry from the unit hereby approved shall not take place outside the hours of 07:00hrs and 19:00hrs;

(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 has negotiated amendments to the application to enable the grant of planning permission; (ii) 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; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Governments advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (iii) Applicant was advised that if the total number of poultry places of all three sheds exceeds 40,000, the installation will require a permit from the Environment Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement; (iv) Applicant was advised that the site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance; (v) Applicant was advised that there must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches; (vi) Applicant was advised that the storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage; (vii) Applicant was advised that the storage and delivery areas for feed should be constructed in such a way as to minimise the risk of run-off or dust causing pollution; (viii) Applicant was advised that storage of litter should be on an impervious base with contained drainage. If, however, this is impractical, it may be acceptable to use temporary field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code)).

**35/14/0025**

**Erection of poultry building (unit 3) with associated infrastructure and formation of vehicular access at Appley Orchard Farm, Appley Cross, Stawley**

## Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 200-01 Location Plan;
  - (A1) DrNo 200-03 Site Plan;
  - (A1) DrNo 200-02 Survey Plan;
  - (A1) DrNo 200-04 Site Plan;
  - (A2) DrNo 200-05 Floor Plan and Elevation Unit 3;
  - (A3) DrNo 200-06 Site Sections;
- (c) The roof of unit 3 and its associated bulk feed bins shall be finished in the colour of 'merlin' grey (BS: 18B25) or equivalent in accordance with the e-mail received from the Agent dated 19 January 2015. All other colours shall be as submitted on the plans hereby approved;
- (d) No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use;
- (e) The proposals hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures suggested in the Ecological and Protected Species Survey submitted by Eco-Check Consultancy dated September 2014 and received by the Council on 1 December 2014;
- (f) (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;
- (g) The depopulation of poultry from the unit hereby approved shall not take place outside the hours of 07:00hrs and 19:00hrs;

(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 had negotiated amendments to the application to enable the grant of planning permission; (ii) 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; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Governments advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (iii) Applicant was advised If the total number of poultry places of all three sheds exceeds 40,000, the installation will require a permit from the Environment Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement; (iv) Applicant was advised that the site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance; (v) Applicant was advised that there must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches; (vi) Applicant was advised that the storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage; (vii) Applicant was advised that the storage and delivery areas for feed should be constructed in such a way as to minimise the risk of runoff or dust causing pollution; (viii) Applicant was advised that the storage of litter should be on an impervious base with contained drainage. If, however, this is impractical, it may be acceptable to use temporary field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code)).

#### **14. Suspension of Standing Order**

**Resolved that Standing Order 28, Time limits for all meetings be suspended to enable the meeting to continue to its conclusion .**

**35/14/0021**

**Erection of extension to agricultural building at Appley Orchard Farm, Stawley**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 200-01 Location and Site Plans;
  - (A1) DrNo 200-02 Survey Plan;
  - (A1) DrNo 200-03 Existing Elevations and Floor Plans;
  - (A1) DrNo 200-04 Proposed Plan, Elevations and Section;
- (c) The materials 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;

(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 had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised that the means of escape in the case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at the Building Regulations consultation stage; (iii) Applicant was advised that access and facilities, which should include where necessary the provision of private fire hydrants for Fire and Rescue Service appliances, should comply with provisions contained within ADB, part 5 of the Building Regulations 2000; (iv) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.)

**35/14/0022**

**Change of use of land for siting of mobile home and erection of storage/utility building at Appley Orchard Farm, Stawley (Retention of works already undertaken)**

**Conditions**

- (a) The mobile home hereby permitted on the site shall be entirely removed and the land restored to its former condition on or before the 31 January 2018;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 200-01 Location and Site Plans;
  - (A1) DrNo 200-02 Survey Plan;
  - (A1) DrNo 200-03 Floor Plan and Elevations;
  - (A1) DrNo 200-04 Floor Plan and Elevations;
- (c) The occupation of the temporary mobile home shall be limited to a person solely or mainly working within the surrounding agricultural unit known as Appley Orchard Farm, and to any resident dependants. Should the business operations at the site cease then the occupation of the mobile home shall cease and the said unit shall be removed from the site;
- (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) Unless within 12 months from the date of this decision at least one of the planning permissions for a poultry unit approved on 30 January 2015 under one of the LPA references 35/14/0023, 35/14/0024 or 35/14/0025 has been implemented and become operational, the use of the site for a mobile home and its ancillary storage/utility building shall cease and all structures referred to in this permission shall be permanently removed from the site;

(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 had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised that 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.)

**46/14/0039**

**Erection of single storey extension including silo and chimney on north west elevation at Rigid Containers, Chelston Business 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 approved plans:-
- (A1) DrNo N5996-01 Survey Plan;
  - (A1) DrNo HT03301/3/5 Layout Plan;
  - (A1)DrNo14050.P.24 Rev A Large Scale Elevations and Sketches as proposed;
  - (A1) DrNo 14050.P23 Rev C Large Scale Plan and Elevations as proposed;
  - (A1) DrNo 14050.P.22 Rev C Key Plan and Elevations as proposed;
  - (A1) DrNo 14050.P.21 Key Plan and Elevations as Existing;
  - (A1) DrNo 14050.P.20 Site Plan;
  - (A4) Report reference 6019/pja - Baseline environmental noise assessment, 25th November 2014;
- (c) The materials 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;

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

**21/14/0014**

**Replacement of single storey rear extension with the erection of two storey and single storey rear extension at 3 Reynolds. Langford Budville**

**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 5044 01 Location Plan;
  - (A4) DrNo 5044 02 Site Plan;
  - (A2) DrNo 5044 03 PL Existing Floor Plans;

- (A2) DrNo 5044 04 PL Proposed Floor Plans;
- (A2) DrNo 5044 05 PL Existing and Proposed Elevations;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 186 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.)

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

**26/14/0017**

**Removal of condition No 1 of application 26/08/0009 to enable dwelling to be sold as separate dwelling at Upcott Farm Cottage, Nynehead**

**Reason**

The site is in the open countryside, outside the settlement of Nynehead. Nynehead provides limited services and residents of the site would be dependent upon private transport to service their day to day needs. The creation of an independent, unrestricted unit of accommodation in this location would lead to unsustainable development contrary to Policy DM2 of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

**42/14/0061**

**Change of use of cottage annexe to separate unit of accommodation at Comeytrowe Manor West, Higher Comeytrowe, Taunton**

**Reason**

Comeytrowe Manor West has an extremely close relationship with the annexe building, which is located only approximately 7.5 m away. The use of the annexe as a self-contained residential unit, by means of the close proximity, window positioning and requirement for amenity space, would result in mutual overlooking to the detriment of the privacy of the occupiers of both properties. Furthermore, the scheme does not include any private amenity space to serve the proposed dwelling. As such, the proposed scheme is considered to result in harm to the residential amenities of the main dwelling and future occupiers of the proposed dwelling. In addition, the requirement to provide a separate definition of a curtilage with associated walling or fencing, by virtue of the use of the building as a separate residential unit, would detract from the setting of the main dwelling, which is a listed building. It is therefore contrary to Policies DM1(e) (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy and Paragraphs 17, 129, 131 and 132 of the National Planning Policy Framework.

**15. Demolition of buildings and the erection of 66 No flexible living retirement flats and 12 No assisted living flats for people with learning difficulties and associated works at Parmin Close, Taunton (38/14/0355)**



Reported this application

**Resolved** that:-

**(a)** Subject to the applicant entering into a Section 106 Agreement to control the age and occupancy of persons in the two blocks; and

**(b)** subject to the receipt of no Highway Authority objection by 3 February 2015;

the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

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

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

- (A4) DrNo 3225/101 Location Plan;
- (A1) DrNo 3225-001 Rev Ground Floor Plan;
- (A1) DrNo 3225-002 Rev A First Floor Plan;
- (A1) DrNo 3225-003 Second Floor Plan;
- (A1) DrNo 3225-004 Rev A Third Floor Plan;
- (A1) DrNo 3225-005 Rev A Roof Plan;
- (A0) DrNo 3225-006 Rev A Site Plan;
- (A1) DrNo 3225-010 Rev A Elevations Flexible Retirement Block;
- (A1) DrNo 3225-011 Rev A Elevations Flexible Retirement Block;
- (A1) DrNo 3225-012 Rev A Typical Section Trough Main Block and Typical Section Trough Site;
- (A3) DrNo 3225-020 Ground Floor Plan - West Block;
- (A3) DrNo 3225-021 First Floor Plan - West Block;
- (A3) DrNo 3225-022 Second Floor Plan - West Block;
- (A3) DrNo 3225-023 Roof Plan - West Block;
- (A1) DrNo 3225-024 Elevations - West Block;
- (A0) DrNo 3225/205 Digital Survey;

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

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

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

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

(f) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Encompass Ecology Limited submitted reports (Extended Ecological Assessment and A Bat Roost and Activity Assessment,) dated September and October 2014 , and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
3. Measures for the retention and replacement and enhancement of places of rest for the bats and nesting birds;
4. Details of a sensitive lighting scheme.

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

- (g) No flats shall be occupied until the parking spaces as shown on the approved drawing have been provided within the site and surfaced and marked out;
- (h) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until a new footway link is constructed from Parmin Way to Ruskin Close in accordance with details which shall have been previously submitted to, and approved in writing by, the Local Planning Authority;
- (i) The Travel Plan Statement submitted for this development shall be implemented within one month of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan measures shall be carried out as approved;
- (j) None of the dwellings shall be occupied until the surface water drainage strategy for the site has been completed in accordance with the details to be submitted to, and agreed in writing by, the Local Planning Authority, including the maintenance programme and who will carry it out. The scheme shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority;
- (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the western facing window of flat 10 in the western block, the south facing kitchen windows in flats 32, 50 and 66 of the main block and west facing windows to flats 36 and 37 to be installed in the main block shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (l) Details of the boundary treatment to the site shall be submitted to, and approved in writing by, the Local Planning Authority and shall be erected prior to the occupation of the buildings;

(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 discuss with any contractor construction hours and delivery times to avoid conflict with local residents as much as possible; (iii) Applicant was advised that ost 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; (iv) Applicant was advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development. You are advised that the water main which serves the site will require diversion to accommodate the new layout; buildings above two storeys will require on site boosted storage. There must be no tree planting within 6 m of Wessex apparatus.)

**16. Erection of Lidl food store with associated car parking on land off Castle Street, Taunton (38/14/0282)**

Reported this application.

**Resolved** that subject to the applicant entering into a Section 106 Agreement to secure a monetary contribution to fund compensatory flood storage, the demolition of the existing Lidl store and revocation of the use;

The Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A1) DrNo 1134 Tree Protection Plan;
  - (A1) DrNo 1133 Tree Constraints Plan;
  - (A1) DrNo 07 Proposed Site Plan;
  - (A1) DrNo 06 Rev B Proposed Elevations;
  - (A1) DrNo 05 Rev A Proposed Elevations;
  - (A1) DrNo 04 Rev A Floor Plan as Proposed;
  - (A1) DrNo 03 Rev A Site Plan as Proposed;
  - (A1) DrNo 02 Site Plan as Existing;
  - (A1) DrNo 01 Site Plan as Proposed;
- (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) (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 development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultant's Ecological Appraisal dated August 2014 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 wildlife could be harmed by disturbance.
  3. Measures for the enhancement of habitat and places of rest for wildlife.

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

The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (f) Prior to the commencement of development there shall be submitted and approved in writing by the Local Planning Authority details of the proposed Sustainable Urban Drainage Scheme for the site to include any surface water drainage systems and their maintenance and the development shall be implemented in accordance with that approval unless otherwise agreed in writing by the Local Planning Authority;
- (g) The retail store shall not be brought into use until the access road into the proposed car park has been realigned as agreed in accordance with plan 1370/03A or as otherwise agreed in writing by the Local Planning Authority;
- (h) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than three decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary:-

Mon-Fri 0800 hrs to 1800 hrs  
Sat 0800 hrs to 1300 hrs

At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured;

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above;

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;

- (i) The boundary fence for noise attenuation shall be constructed as per the submitted Noise Report and shall be erected prior to the store being brought into use. The detail of the fence position shall be submitted and agreed prior to its erection and shall thereafter be retained as agreed;
- (j) Details of the positioning of any external plant on the site shall be submitted to and agreed in writing before the store is brought into use. Details of any plant enclosure to attenuate noise should be submitted to, and agreed in writing by, the Local Planning Authority following agreement with the Environmental Health Officer and shall be implemented prior to opening and thereafter maintained as such;
- (k) Vehicle mounted refrigeration units shall be turned off immediately when delivery vehicles enter the unloading area. Where it is necessary to maintain levels of refrigeration within vehicles, sufficient and suitable electrical outlets shall be provided for connection to all vehicles unloading or waiting to unload;
- (l) The surface of the unloading bay shall be treated with sound absorbing material to minimise noise from the movement of roll cages etc. used for the unloading of vehicles in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and shall be implemented prior to the store opening and thereafter maintained as such;
- (m) The retail store shall not be brought into use until the Travel Plan has been approved for this development. It shall be submitted to, and approved by, the Local Planning Authority and shall thereafter be implemented within two months of the development being first used;
- (n) A Flood Warning and Evacuation Plan for the site shall be drawn up and put in place prior to the new store being brought into use;

(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 had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicants was advised that where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted

concerning their services. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion; (iii) Applicant was advised that he conditions relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process, be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; All British birds (with exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally, this will be from March until September.

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Governments advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (iv) Applicant was advised that there shall be no use of reversing alarms on delivery vehicles servicing the site.)

**17. Miscellaneous Report – Application for the amendment of Schedule 1 and clause 1.1 of the Section 106 Agreement for planning application 48/05/0072 requiring 25% of the housing to be affordable and not 35% concerning land at Monkton Heathfield (48/14/0001 VSC)**

Reported that the Consortium had submitted an application for the level of affordable housing on the Monkton Heathfield Local Plan site (planning permission 48/05/0072) to be reduced from 35% to 25% in order to release sufficient funds to enable the provision of the Western Relief Road.

In April 2013 the Government had introduced S106BA into the Town and Country Planning Act 1990 to allow for a variation of S106 Agreements relating solely to the quantum of affordable housing in cases where the cost of that level of affordable housing made the scheme unviable. Any permission relating to this section was to remain for up to three years.

Taunton Deane Borough Council had commissioned an independent viability report which had concluded that the scheme granted planning permission

under 48/05/0072 was indeed unviable, taking into account the provision of the Western Relief Road.

The Housing Enabling Officer had been involved in the process and had accepted the principle of the reduction in this case given the long term benefits to the continued delivery of affordable housing for this site and the future Core Strategy site.

Discussions were currently underway to ensure that there was a mechanism for the monies released by any reduction in affordable housing to be used to ensure that the Western Relief Road could be delivered without impacting on the timing of the delivery of the approved housing.

**Resolved** that it be agreed that “if or when a mechanism was agreed whereby the developer provided or funded in full the Western Relief Road, the affordable housing requirement would be reduced from 35% to 25% in order to ensure that the development remains viable”.

## **18. Appeals**

**Resolved** that this item be deferred until the next meeting of the Committee.

(The meeting ended at 11.10 p.m.)