

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 27 May 2015 at 17:00.

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### **Agenda**

- 1 (i) Appointment of Chairman  
(ii) Appointment of Vice-Chairman
- 2 Apologies.
- 3 Minutes of the meeting of the Planning Committee held on 29 April 2015 (attached).
- 4 (a) Public Question Time.  
(b) Declaration of interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 27/15/0007 Erection of two storey extension to link farm house, swimming pool building and barn and conversion works to provide holiday accommodation with ancillary facilities at Allerford Farm, Norton Fitzwarren, Oake (amended scheme to 27/14/0010.)
- 6 E/0074/41/14 Alleged unauthorised use of property as a holiday let with breach of agricultural tie at Grove Farm, Tolland
- 7 05/15/0014 Erection of a car port to front of Cobwebs, 18 Great Mead, Bishop's Hull (retention of works already undertaken)
- 8 49/15/0009 Conversion of coach house into dwelling at Tor House, 48 Ford Road, Wiveliscombe
- 9 49/15/0012LB Conversion of coach house into dwelling at Tor House, 48 Ford Road, Wiveliscombe
- 10 The latest Appeals and Decisions received

Bruce Lang  
Assistant Chief Executive

17 July 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)**

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**Planning Committee Members:-**

Councillor R Bowrah, BEM (Chairman)  
Councillor S Coles (Vice-Chairman)  
Councillor M Adkins  
Councillor W Brown  
Councillor M Floyd  
Councillor J Gage  
Councillor C Hill  
Councillor S Martin-Scott  
Councillor I Morrell  
Councillor S Nicholls  
Councillor J Reed  
Councillor N Townsend  
Councillor P Watson  
Councillor D Wedderkopp  
Councillor G Wren

## Planning Committee – 29 April 2015

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

Officers: - Bryn Kitching (Area Planning Manager), Matthew Bale (Area Planning Manager), Gareth Clifford (Principal Planning Officer), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Democratic Services Officer)

Also present: Councillors Hall and Mrs Herbert in connection with application Nos.38/14/0394 and 38/15/0098. Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### 44. Apologies/Substitution

Apologies: Councillor Coles (Vice-Chairman) and Councillors Bishop, Tooze and D Wedderkopp

Substitution: Councillor Hayward for Councillor Bishop

### 45. Minutes

The minutes of the meeting of the Planning Committee held on the 8 April 2015 were taken and read and were signed.

### 46. Declarations of Interest

Councillor A Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. He also declared that he was also the Firepool Champion. The Chairman declared that he had received various correspondence concerning application No. 38/15/0098 which he had sent to all Planning Committee Members.

### 47. 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 **outline planning permission be granted** for the under-mentioned development:-

**38/13/0477**

**Outline planning permission for the erection of up to 99 No. dwellings, vehicular accesses and associated works at areas H and I, Firepool Lock, Taunton**

**Conditions**

- (a) Approval of the details of the layout, scale, appearance, and landscaping of the site or any phase thereof (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced; Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted or any phase thereof, shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed strategic road will not be detrimental to the amenity of the occupants of the premises on the completed development; The applicant shall submit to the Local Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Local Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied;
- (c) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination;

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance;

#### b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures;

#### c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works;

#### d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements

of section b), which is subject to the approval in writing of the Local Planning Authority;

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works;

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above);

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority;

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance;

- (d) No development shall take place until there has been submitted to, and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) Before any part of the development hereby permitted is commenced a phased landscaping scheme which shall include details of species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority;
- (ii) Each phase of the landscaping scheme shall be completed before the development of the following phase commences unless otherwise agreed in writing by the Local Planning Authority;
- (iii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a

healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (f) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the use of the site discontinues;
- (g) No development shall commence unless a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:-

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network;

- (h) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (i) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;

- (j) In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (k) No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to, and approved in writing by, the Local Planning Authority. A drainage scheme for the site showing gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;
- (l) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;

(Notes to applicant:- (1) 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 to enable the grant of planning permission; (2) Applicant was advised that noise Guidance on suitable internal noise levels can be found in British Standard BS8233 1999. This recommends that internal noise levels arising from external sources should not exceed 40 decibels LAeq in all living and bed rooms during the day (0700h to 2300h) and 30 decibels LAeq during the night (2300h) to 0700h). In addition a 45 decibel LAm<sub>ax</sub> applies in all bedrooms during the night (2300h to 0700h); (3) Applicant was advised that the condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife 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.)

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

**38/15/0098**

**Demolition of 109 South Road, redevelopment (to include partial demolition) of 107 South Road and erection of student accommodation, comprising 63 No student beds and two No self-contained flats, at 107-109 South Road, Taunton (resubmission of 38/14/0413)**

## Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A4) DrNo 01 Location Plans;
  - (A4) DrNo 02 Site Plan;
  - (A1) DrNo 03 Existing Topographical Survey;
  - (A1) DrNo 06 107 South Road Existing Elevations and Floor Plans;
  - (A1) DrNo 07 109 South Road Existing Plans, Elevations & Section;
  - (A1) DrNo 08 Proposed Site Layout Showing Ground Floor Plan;
  - (A1) DrNo 09 Proposed Site Layout Showing First Floor Plan;
  - (A1) DrNo 10 Proposed Site Layout Showing Second Floor Plan;
  - (A1) DrNo 15 Existing & Proposed Street Elevation Option A;
  - (A1) DrNo 17 Proposed Elevations (1 of 3);
  - (A1) DrNO 18 Proposed Elevations (2 of 3);
  - (A1) DrNo 19 Proposed Elevation and Section A-A (3 of 3);
  - (A1) DrNo 22 Proposed Roof Plan;
  - (A1) DrNo 26 Sunlight Diagrams Depicts Existing & Proposed Site on Mar/Sept 21 @ 9AM, 12 Noon and 3PM Survey Drawing;
  - (A1) DrNo 27 Sunlight Diagrams Depicts Existing and Proposed Site on June 21 @ 9AM, 12 Noon and 3PM Survey Drawing;
  - (A3) DrNo 28 Proposed Bin Store;
  - (A1) DrNo 29 Proposed Site Layout Depicting Bat Box Positions;
  - (A1) DrNo 30 Proposed Elevations Depicting Proposed Bat Roosts;
  - (A1) DrNo 1906-01 Tree Survey;
- (c) The materials to be used in the construction of the external surfaces of the extension and new build hereby permitted shall be as specified on the submitted schedule unless otherwise agreed in writing with the Local Planning Authority;
- (d) No construction shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including details for blocking up the existing accesses, 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;

- (e) No wall construction works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (f) (i) Before any part of the new construction 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 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 Greena Ecological Consultancy's submitted reports dated September 2011, October 2014 and February 2015, 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.

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

- (h) Details of the means of surface water disposal on site shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter provided as agreed prior to the occupation of the buildings;
- (i) No demolition shall begin until a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides;

- (j) The premises shall be used for student accommodation associated with Richard Huish College only and for no other purpose (including any other purpose in Class C2 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);
- (k) 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;
- (l) The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 14844/T02A, and shall be available for use before any of the dwellings or accommodation hereby permitted are first occupied. Once constructed the access shall be maintained thereafter in that condition at all times;
- (m) The area allocated for parking and turning on the submitted plan, drawing number 1415/08G, 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;
- (n) All recommendations of the submitted Travel Plan shall be implemented in accordance with the timetable therein. Thereafter the development shall operate the Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority;
- (o) The windows in the side elevation serving bedrooms 1-4, 39 and 53 shall be partially glazed with obscure glass to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission;
- (p) Details of the windows and doors hereby permitted shall include sections, mouldings, profiles, working arrangements and finished treatment and shall be submitted to, and agreed in writing by, the Local Planning Authority prior to their installation and thereafter maintained as such;

(Notes to applicant:- (1) 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; (2) Applicant was advised that the protection afforded to species under UK and EU legislation was 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) Bats are known to use the building(s) as identified in Greena Ecological Consultancy's bat reports, dated October 2014 and February 2015. The species concerned are European Protected Species within the meaning of The Conservation of Habitats Species Regulations 2010. Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations; Natural England requires that the Local Planning Authority must be satisfied that a derogation from the Habitats Directive is justified prior to issuing such a licence; (4) 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.)

**48. Miscellaneous Report – Application 38/14/0394 – Erection of 2 No detached bungalows with garages and the erection of 1 No garage to serve the existing property in the grounds of 1 Wheatleigh Close, Taunton**

Reference Minute No 42/2015, considered further report in respect of the above application.

The Historic England response had now been received and circulated. This had provided a very detailed objection which lent considerable support to the Conservation Officer's original advice set out in the report.

Historic England had framed its objections with reference to some specific points that had not been addressed in previous reports and discussions.

In the circumstances, the Area Planning Manager felt that it was prudent that Members were asked to consider this advice before deciding on whether they still wished to grant planning permission in accordance with the Planning Committee's previous resolutions.

After careful consideration, the Committee decided that its previous stance with regard to the proposed development could not be maintained and therefore felt the application should not be approved.

**Resolved** that the application be refused for the following reason:-

The proposed dwelling to plot 2, by virtue of its prominent position and proposed elevated boundary treatment, exacerbated by the design and mix of materials, is considered to result in an incongruous addition to the street scene, to the detriment of the character and appearance of the surrounding area and the setting of the adjacent grade II\* listed building. The proposal is therefore

deemed contrary to Policies DM1 (d) (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy.

(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 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 had been refused.)

**49. Outline application with all matters reserved for the development of 8 No. residential dwellings, comprising 4 No. affordable dwellings and 4 No. open market dwellings, on land adjoining the Village Hall, Langford Budville (resubmission of 21/13/0012)**

**Resolved** that subject to the applicant entering into a Section106 Agreement to secure the following:-

- a) Provision of four dwellings to be Affordable in line with the size and tenure set out within the application; and
- b) The provision of (or equivalent financial contribution of £17,424 towards) children's play facilities in Langford Budville;

the Assistant Director - Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if outline planning permission was granted the following conditions be imposed:-

- (a) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced;

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

- (b) 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;
- (c) Prior to their construction, the layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths and turning spaces shall be submitted to, and approved in writing by, the Local Planning Authority. The roads shall be laid out prior to the

occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority;

(d) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained until the use of the site discontinues;

(e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species;

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 wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;

(f) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have previously been submitted to, and approved in writing by, the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the NPPG, and the results of the assessment provided to the local planning authority. Surface water drainage works will require a Sustainable Drainage System; prior to its installation the following details shall be submitted to, and approved in writing by, the Local Planning Authority:-

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Include a timetable for its implementation; and
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any

public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime;

- (g) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or other alteration to the dwelling houses hereby permitted without the further grant of planning permission;
- (h) 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 gate, fence, wall or other means of enclosure shall be erected or constructed on or over the site, other than that expressly authorised by this permission, without the further grant of planning permission;
- (i) The development shall provide for bin storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 01 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (j) The development shall provide for covered and secure cycle storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 01 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;

(Notes to applicant:- (1) 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 negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that the developer must agree a point of connection to the foul sewage network with Wessex Water; (3) Applicant was advised that the new water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page. As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New connections Team; (4) 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.)

#### **50. Appeals**

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

**Resolved** that the report be noted

(The meeting ended at 8.30 p.m.)

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Coles and D Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Clerk to Milverton Parish Council – Councillor Wren

27/15/0007

MR M JAMES

**ERECTION OF TWO STOREY EXTENSION TO LINK FARM HOUSE, SWIMMING POOL BUILDING AND BARN AND CONVERSION WORKS TO PROVIDE HOLIDAY ACCOMMODATION WITH ANCILLARY FACILITIES AT ALLERFORD FARM, NORTON FITZWARREN, OAKE (AMENDED SCHEME TO 27/14/0010)**

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

Grid Reference: 317969.124961

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

- (A2) DrNo Y21/1N Proposed Ground Floor Plans
- (A3) DrNo Y21/2D First Floor Plan
- (A3) DrNo Y21/3C Second Floor Plan & Sections
- (A3) DrNo Y21/4G SE & SW Elevations
- (A3) DrNo Y21/5E NE & NW Elevations
- (A3) DrNo Y21/6L Location Plan and Block Plan
- (A3) DrNo Y21/7F Landscaping & Existing Drainage Plan
- (A3) DrNo Y21/8 Existing Elevations 1
- (A3) DrNo Y21/9 Existing Elevations 2
- (A2) DrNo Y21/10 Existing Floor Plans
- (A3) DrNo Y21/11A Location Plan
- (A3) DrNo Y21/12C Block Plan
- (A3) DrNo Y21/14B Planting Scheme

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety in accordance with Policy 49 of the

Somerset and Exmoor National Park Joint Structure Plan Review.

7. None of the accommodation shall be occupied until the sewage disposal and surface water drainage works have been completed in accordance with the details hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. Once implemented the drainage schemes shall thereafter be maintained at all times.

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

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

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

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

During Demolition/Construction Process

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

During Occupation of Development

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

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

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

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

#### Notes to Applicant

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

#### **PROPOSAL**

The application seeks planning permission for the erection of single storey and two storey extension to Allerford Farm; the conversion of barn to guest accommodation; extension and alterations to the existing swimming pool buildings, hard and soft landscaping and other associated works to facilitate the change of use of the premises to a rural holiday facility for disabled persons.

The application is an amendment to that previously approved under LPA reference 27/14/0010. The change to the previous permission constitutes a smaller extension at the rear of the existing swimming pool building. All other elements of the previously approved scheme, including drainage (surface water and foul), access, parking and will not materially change.

#### **SITE DESCRIPTION AND HISTORY**

Allerford Farm comprises a large traditional farm house that is surrounded by converted and unconverted agricultural buildings to the North, with commercial and

industrial buildings beyond. The dwelling benefits from large grounds containing garaging and a hydrotherapy pool and ancillary building, which is yet to be completed. The property has gardens to the East that are bound by block work walls and domestic shrub and tree planting. The site is located within flood zone 3.

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

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

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

27/14/0010 - Erection of single and two storey extensions, associated works and change of use to guest accommodation - approved.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*OAKE PARISH COUNCIL* - Support the application subject to the following conditions:

- Vehicles/pedestrians must not use side track - to be for neighbours only;
- NO structure to be erected within 1m of any neighbours boundary;
- Allow access to boundaries at all times for maintenance;
- COncern over parking area and concrete causing increased surface water and flooding - porous surface to be used only.

*LANDSCAPE* - Proposed landscaping is generally satisfactory subject to replacement of the seaside shrub with one more in character with the area such as viburnum opulus.

*DRAINAGE ENGINEER* - Drainage condition on 27/14/0010 should be applied.

*ECONOMIC DEVELOPMENT* - Tourism is vital to the success of Taunton Deane's economy, and as a growing sector has the potential to create jobs and stimulate wealth creation. It is important that rural communities are supported to develop this important sector, particularly when faced with the decline of traditional industries.

The importance of a development of this nature to the local economy is difficult to directly quantify, but can be significant. The accommodation would provide direct spend amongst a wide range of suppliers of services – I am therefore supportive of the proposal.

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* -

### **Representations**

1 Letter of SUPPORT from local resident making the following planning related comments:

- As a previous scheme has been passed in a larger form it is impossible to see how this revised scheme can be refused;
- This is historically a commercial site;
- LPA should disregard objections to financial viability; the applicant is an experienced hotelier and it is assumed has more experience in this field than the objectors;
- References to stop orders is irrelevant
- No objection to proposals from other local B&Bs.

8 Letters of OBJECTION received from 5 residences within the area, raising the following planning related comments:

- Site currently on an Enforcement Stop Notice;
- Application a ploy to avoid paying CIL;
- Financial viability of the scheme appears to be guess work with inaccurate figures and calculations; if financial viability is no a planning matter then the business case should not be allowed to support the application; will lead to another development half started on the site being a further visual blight;
- Application forms states no known contamination on the site but there is previous legal action over asbestos disposal on the property;
- FRA makes no mention of Hillfarrance flood defence or 2012 flooding when the road was closed for 2 weeks;
- Car park being increased from 15 spaces to 22;
- Day visitors added into the plans meaning more road traffic;
- Landscape plan is irrelevant as the summer house has been removed from site; is planning needed for a new, permanent one?
- Staffing levels woefully underestimated;
- If this is allowed and open to all it will be in competition with Knapp Farm, Pontispool Riding Centre, The Anchor Inn and Oak Manor, all of which offer B&B and holiday lets in the area;
- Development not in keeping with the courtyard development previously sold to neighbours;
- Conditions to prevent structures within 1m of the boundary; not to obstruct maintenance access routes used by neighbours; access to the site via Allerford Farm drive only;
- Development should not use driveway shared with neighbours; not designed or constructed to take such high levels of vehicle movements and would cause additional maintenance costs to neighbours;
- Condition to restrict outdoor entertainment and loud music to reasonable times - 11pm cut off;
- Reducing space when disabled persons need more does not make sense;
- The removal of the key facility in the gym makes the business plan unviable;
- Use of the site should be residential visitors only;
- A solid 2 metre wall or fence should be built at the end of The Calfhouse to prevent overlooking from visitors;
- Slow growing planting by car park not appropriate; should be a 2m fence or evergreen hedge.

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

Reduction in floor area of extensions removed former CIL liability of the original, approved scheme (27/14/0010). Amended scheme is not, therefore, CIL Liable.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The previously approved scheme remains extant and as such, the principle of the proposed development is considered to have been established, having been found to be acceptable previously. The pertinent issues to consider are the impact of the proposed revisions upon the guest accommodation and associated facilities, as a business.

The previously application found impacts relating to flood risk, drainage, access, visual and residential amenity to be acceptable. There remains no objection to the proposals from the Drainage Officer, Landscape Officer or Highway Authority.

In visual terms, the removal of the single storey extension that was previously approved to the rear of the swimming pool building will not materially affect amenity; if anything the reduced mass of this building will result in an improved appearance to the site in general. The amendment will not adversely impact upon neighbouring amenity.

The application seeks planning permission for a reduced scheme that provides holiday/guest accommodation to the public, with a particular focus on disabled persons. Application 27/14/0010 was approved for a larger scheme, which included a gymnasium that would provide specialist equipment for people with disabilities. The previously approved gymnasium has now been removed from the scheme. As noted by objectors, the primary reason for doing so is to reduce the amount of new floor space being created to below the 100 sq metre threshold for CIL liability. Notwithstanding, such motivation is a choice of the applicant and is not a reason to refuse planning permission.

Objectors have questioned the overall viability of the scheme in light of the reduction in specialist facilities being provided by the business. I do not consider the omission of a gymnasium to significantly undermine the viability of the business. The primary facility is the hydrotherapy pool, which is a specialist facility that is difficult to access within the Taunton and wider area. This, together with the guest accommodation and rural location will ensure that the business is attractive to prospective customers and I find no reason to re-assess the entire financial viability of the proposals given the minor reduction in floor space and loss of one facility. In

any case, the viability of a proposed business should not influence whether or not a proposal is acceptable in planning terms.

Both objectors and the Parish Council have requested that, if planning permission is forthcoming, the LPA impose a number of conditions upon the new permission; these have been described earlier in the report. The conditions requested go beyond those previously imposed upon permission 27/14/0010; it would, therefore, be unreasonable to impose further restrictive conditions at this stage. Notwithstanding, the matter relating to access is protected as the neighbouring access track has a domestic use and should not, therefore, be used by business related vehicles and guests to the site; such change of use would require planning permission with the track falling outside of the application site and the red line indicating such on the location plan. All other matters including the pergola and parking areas remain as previously approved and therefore the suggested restrictions would not be reasonable. Providing a 2m fence or evergreen hedgerow around the parking area would be out of character with the area and I do not consider there to be any loss of privacy to neighbouring properties from views within the parking area in any case.

Taking the above matters into consideration, the revised development is considered to be acceptable and it is therefore recommended that planning permission be granted subject to conditions as per Decision Notice 27/14/0010.

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

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

E/0074/41/14

## **ALLEGED UNAUTHORISED USE OF PROPERTY AS A HOLIDAY LET WITH BREACH OF AGRICULTURAL TIE AT GROVE FARM, TOLLAND**

**OCCUPIER:**

**OWNER:** MR A GAMMON  
GROVE FARM, TOLLAND ROAD, TOLLAND LYDEARD ST  
LAWRENCE  
TAUNTON  
TA4 3PN

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### **PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation in the use of Tower View as a holiday let.

### **RECOMMENDATION**

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

The Enforcement Notice shall require:

- The cessation in the use of Tower View as a holiday let.

Time for compliance: 6 months from the date on which the Notice takes effect.

### **SITE DESCRIPTION**

Tower View is a modern agricultural workers dwelling located immediately North of farm buildings at Grove Farm, Tolland. The dwelling is two storey in scale and of rendered walls and slate roof. It is surrounded by a modest curtilage and has a large parking and turning area to the front.

Outline planning permission was granted for the dwelling under LPA reference 41/95/0001. Condition 11 of the permission states:

*The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry or a dependant of such a person residing with him or her or a widow or widower of such a person.*

*Reason: The site is in an area where the Local Planning Authority's policy is to restrict new residential development to that required to meet the needs of agriculture or forestry.*

The dwelling has been used as a holiday let in breach of condition 11 since Easter 2014.

## **BACKGROUND**

A written complaint was received on June 11 2014, alleging that Tower View, Tolland, was being used as a holiday let in breach of planning control. A conversation with the property owner concluded that the use of the agricultural workers dwelling, as a holiday let, would cease at the end of 2014. Further contact on 22 December 2014 alleged that the unauthorised holiday let use was continuing.

A Planning Contravention Notice was served upon the owner dated 13 January 2015; the owner provided response on the same day. The PCN confirmed that the agricultural workers dwelling was last in authorised occupation on 1 November 2013 and that the holiday let use commenced at Easter 2014. The holiday let generates £200 minimum weekly rental and £1080 maximum weekly rental.

A planning application was invited by letter dated 14 January 2015. Said application was received as valid on 4 February 2015. The application was determined under delegated powers, with planning permission being refused by Decision Notice dated 1 April 2015.

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

Without planning permission, the use and occupation of Tower View, Grove Farm, Tolland, as a holiday let in breach of condition 11 of Planning Permission 41/95/0001.

## **RELEVANT PLANNING HISTORY**

41/95/0001 - Outline Application for the erection of dwelling and garage for agricultural worker at Grove Farm, Tolland.

41/95/0003 - Reserved Matters for erection of agricultural workers dwelling at Grove Farm, Tolland.

## **RELEVANT PLANNING POLICES**

### National Planning Policy Framework

Para 207 - Enforcement

### Taunton Deane Core Strategy

DM1 - General Requirements  
DM2 - Development in the Countryside  
CP2 - Economy  
CP4 - Housing

### Taunton Deane Development Management Policies (emerging)

H1a - Permanent Rural Workers Dwellings

## DETERMINING ISSUES AND CONSIDERATIONS

The issue to consider is whether the unauthorised use of Tower View as a unit of holiday accommodation is acceptable; whether there is a need for the agricultural workers dwelling within the locality and whether material considerations outweigh any policy conflict.

The site is located within an area of open countryside where planning policy does not support the creation of new dwelling houses unless it can be demonstrated that such is required in order to satisfy an identified rural need. This was originally achieved under the 1995 application and hence the restrictive occupancy condition imposed.

Policy DM2 of the Core Strategy supports the creation of holiday accommodation through the re-use of existing buildings where there is an identified need and in support of farm diversification in areas of open countryside. Notwithstanding, in relation to permanent agricultural/rural workers dwellings, the emerging Development Management Policy H1a states:

*Occupancy conditions will be applied to new permanent dwellings. Applications to remove these or other related conditions will not be permitted unless:*

- i. The dwelling is no longer needed on that unit for the purposes of agriculture or other rural based enterprises;*
- ii. There is no current demand for dwellings for agriculture or other rural based industries in the locality; and*
- iii. The dwelling cannot be sold or let at a price which reflects its occupancy condition for a reasonable period to be agreed with the local planning authority.*

The introduction of the National Planning Policy Framework in March 2012 superseded PPS7, which formerly dealt with agricultural occupancy conditions. However, Taunton Deane have since officially agreed to use Annex A of PPS7 as technical guidance and weight can therefore be attributed to this document. Paragraph 17 of Annex A acknowledges that changes in agriculture can affect the long-term requirements of agricultural workers dwellings, which should not be kept vacant, nor should present occupiers be obliged to remain in occupation by planning conditions that have outlived their usefulness. Evidence should always be provided in order to demonstrate whether a need exists or not.

It has been confirmed within the Planning Contravention Notice that between 1 December 2010 and 1 April 2012 a farm worker resided in the dwelling and it was again rented to tenants between July 2012 and November 2013. These periods of occupancy indicate that there is a need within the area for agricultural workers accommodation. Notwithstanding the above, planning application 41/15/0001 was refused due to a failure to demonstrate that no need for rural worker accommodation exists within the locality. Since this refusal no new evidence has been submitted that satisfactorily demonstrates there to be no need for the agricultural workers dwelling.

Taking the above matters into consideration, evidence suggests that there remains a need for agricultural workers accommodation within the locality. If enforcement action is not forthcoming, the unauthorised use has the potential to become permanent and such should be discouraged where conflict exists with development

plan policies and where a need for the authorised accommodation appears to exist.

In light of the above considerations, it is considered to be expedient to take action in order to ensure the cessation of holiday let use at Tower View.

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

**PLANNING OFFICER: Mr R Williams**

**PLANNING ENFORCEMENT OFFICER: Mr P Lean**

**CONTACT OFFICER: Mr P Lean, Telephone**

05/15/0014

MR R JACKSON

**ERECTION OF A CAR PORT TO FRONT OF COBWEBS, 18 GREAT MEAD, BISHOPS HULL (RETENTION OF WORKS ALREADY UNDERTAKEN)**

Location: COBWEBS, 18 GREAT MEAD, BISHOPS HULL, TAUNTON, TA1  
5HE

Grid Reference: 320554.124193

Retention of Building/Works etc.

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

(A4) DrNo RJ-02 Proposed Elevations

(A4) DrNo RJ-01 Existing Elevations

(A4) Site Plan

(A4) Location Plan

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.
2. I would stress that this relates only to "planning". It may be necessary for you to obtain approval under other legislation or requirements such as a covenant that may be in place.

**PROPOSAL**

This proposal is for the erection of an attached car port with a projection of 3.4m to the side. The application is retrospective.

**SITE DESCRIPTION AND HISTORY**

This is the site of a semi-detached bungalow of brick finish with tiles and white windows. This dwelling is on a raised level to the road on a residential cul-de-sac comprising bungalows and two-storey houses.

This dwelling has a detached single garage to the side with a driveway that can accommodate two vehicles. A car port that covers part of the driveway has been replaced and the height increased by approximately 800mm. It is this car port that is the subject of this application.

The application is being reported to committee as the applicants are related to a member of staff.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BISHOPS HULL PARISH COUNCIL* - Objects

The car port is considered by reason of its form and appearance to be an unsympathetic and incongruous addition to the dwelling and out of character with and detrimental to the visual amenities of the area. Furthermore it could set a precedent for other similar proposals nearby, which would compound the situation.

### **Representations**

Two letters of SUPORT received.

- It has been erected to a very high standard
- It can be seen from our living room window and is not obtrusive

Three letters of OBJECTION from the same person raising the following issues:

- The design is not in keeping with the area.
- The carport projects in front of the building line.
- It is in an elevated position.
- Adverse visual effect from our living and dining areas.
- Parking a motor home conflicts with covenants.
- Concern that a precedent will be set.

## **PLANNING POLICIES**

H17 - TDBCLP - Extensions to Dwellings,

## **LOCAL FINANCE CONSIDERATIONS**

N/a

## **DETERMINING ISSUES AND CONSIDERATIONS**

The already erected car port is attached to the bungalow and as it is higher than the eaves, it requires planning permission. Saved Policy H17 allows extension to dwelling subject to meeting 3 criteria:

*H17 - Extensions to dwellings will be permitted provided they do not harm:*

*(A) the residential amenity of other dwellings;*

*(B) the future amenities, parking, turning space and other services of the dwelling to be extended; and*

*(C) the form and character of the dwelling and are subservient to it in scale and design.*

The carport does not have any adverse impact on residential amenity in terms of overlooking, loss of light or overbearing.

It does not result in any change to parking availability other than higher vehicles can park under the new car port than they could previously.

The main issue for consideration is the form and character of the dwelling and whether extension is subservient in scale and design. The flat roof carport is higher than the eaves of the existing bungalow which increases the visual impact and it could be said that it is not subservient in design. That said, it does have the appearance of a freestanding structure to the side of the dwelling rather than as an extension due to the change of materials. There is a single example of a flat roof garage that is higher than the eaves of a neighbouring bungalow and overall, it is considered that the car port does not result in a significant adverse harm to character of the dwelling and area.

The comments of the neighbours with regard to covenants on the development are noted, however this are a private matter that does not fall within the remit of considering a planning application. The concern of the Parish Council in terms of precedent is noted, however each application should be considered on its own merits.

Having regard to the above matters, the proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted.

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

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

49/15/0009

MR & MRS E & P GAINES

**CONVERSION OF COACH HOUSE INTO DWELLING AT TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE**

Location: TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE, TAUNTON, TA4  
2RE

Grid Reference: 308558.128067

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A1) DrNo 2406.04 Plan and Elevations as Existing. Site Layout and Location Plans

(A1) DrNo 2406.05A Plans and Elevations as Proposed/ Privacy Diagram

(A1) DrNo 2406.06A Site Layout as Proposed

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

3. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: Metal railings; windows; doors; slates; stone paint and areas to be affected.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Policy DM1 of the Taunton Deane Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. All guttering, downpipes and rainwater goods shall be constructed of metal and painted black and thereafter maintained as such.

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

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

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with retained Policy M4 of the Taunton Deane Local Plan.

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

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

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

#### **PROPOSAL**

The application seeks planning permission for the conversion of a former Coach

House to two bedroom dwelling, with associated access, parking and amenity space, land adjoining Tor House, Wiveliscombe.

The proposed conversion will result in the formation of an open plan living. Kitchen and dining area at ground floor with WC at ground floor, and two bedrooms and a family bathroom at first floor level. The conversion will make use of the existing building only, with no extension proposed. Additionally, all existing openings will be used, negating the need to form new openings within the fabric of the building.

Externally, new stone steps and balustrade will access the main entrance to the West elevation. Parking and turning will be provided within the existing walled compound to the West. Private gardens will be to the North of the building and an enclosed courtyard to the East where an existing outbuilding will be retained following modest renovation.

The physical conversion works will result in the roof being re-slatted with breathable membrane and timbers repaired where necessary. All fenestration will be of timber and rainwater goods block metal. Internally, new timber partitions will be installed and a new staircase constructed. Foul waste will be disposed of via mains sewer and surface water drained to gullies as existing.

The application is before committee because the applicant is an elected member.

## **SITE DESCRIPTION AND HISTORY**

Tor House is a Grade II Listed Building located to the East of Ford Road. The site comprises the principle listed dwelling house, which is set within large gardens and contains outbuildings to the North. The site is predominantly surrounded by residential development to the North, South and West.

The building subject of this application is listed virtue of its curtilage status and relationship to the principle buildings. The building is used actively for domestic storage and other purposes. It is of stone walls, slate roof and timber windows and doors. The compound to the West, which is enclosed by high stone walls and timber gates, is used as for parking for Tor House, although the main dwelling has a main access and driveway to the South, which serves a large parking and turning area.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

WIVELISCOMBE TOWN COUNCIL - Support this planning application however they question why the building is listed.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice applies and requires:

- Visibility splays of 2.4 x 43m in either direction, measured to the nearside carriageway edge.
- Pedestrian visibility splays of 2 x 2m to the rear of the footway.

- Provision of adequate drainage so that surface water does not drain from the site onto the highway or vice versa.
- The access should have a minimum width of 3m.
- The access should be properly consolidated for the first 5m and must not exceed a gradient of 1 in 10 for the first 6m from the edge of the adopted highway.
- Vehicular entrance gates should be set back a minimum distance of 6m from the carriageway edge and should open inwards. Pedestrian gates should open inwards.
- On site turning space should be provided where the proposal derives access from a classified road.
- Turning will be required, independent of the necessary parking provision where an access is onto a classified road.

*WESSEX WATER* - Standard advisory notes and guidance provided.

*DRAINAGE ENGINEER* - No comment.

*HERITAGE* - The coach house is listed by virtue of being a pre-1948 building ancillary to, and in the same ownership as, Tor House at the date of listing (26 March 1984). Externally, in its current guise it is quite domestic in character. Internally, little of historic interest survives. I have no objection to its conversion to domestic accommodation. That said, its proposed use as a separate dwelling rather than an annex is not without issues.

The spatial relationship between Tor House and the coach house is important and the introduction of a physical boundary between the buildings is likely to disrupt this. That said, because of the close proximity between the buildings this impact would not be as great as were the buildings some distance apart, although the introduction of a close-boarded fence is a further negative.

The design of the conversion is acceptable with the exception of the roof lights on the west elevation. These will exacerbate the domestic appearance of the building when viewed from the road and should be omitted. Internally, it would be preferable if the existing partition was retained but I have no great issue with its removal to the extent shown on the floor plan.

If the application is approved conditions should include details of railings, windows, doors and slates (if existing are not reused).

The proposed plan notes that 'rendering decorated breathable stone paint'. Clarification is required as to the colour of this paint and also that painted area refers only to the existing render and not does include current areas of natural stone finish.

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* - If building in lawful use, no CIL Liability.

## **Representations**

No comments received.

## **PLANNING POLICIES**

CP4 - TD CORE STRATEGY - HOUSING,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
CP8 - CP 8 ENVIRONMENT,  
NPPF - National Planning Policy Framework,

## **LOCAL FINANCE CONSIDERATIONS**

If building in lawful use, no CIL Liability.

### New Homes Bonus

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)	£1079
Somerset County Council (Upper Tier Authority)	£270

#### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6474
Somerset County Council (Upper Tier Authority)	£1619

## **DETERMINING ISSUES AND CONSIDERATIONS**

The application site is located within the settlement limit of Wiveliscombe, where the principle of new residential development is acceptable in principle. The pertinent issues to consider are therefore the impact of the development upon highway safety and the Listed Building.

### Highway Safety

The proposed dwelling will be served by an enclosed courtyard parking area to the West. This area has an historic access onto Ford Road and is used on a day to day basis by the residents of Tor House. Tor House itself has a large parking area with separate access and therefore the loss of this area to the main dwelling will not compromise the ability of Tor House residents to park clear of the highway. The compound parking area measures approximately 8m x 8m; whilst tight it is possible to park and turn vehicles within in order to exit the site in a forward gear. Across the access, visibility is slightly restricted by boundary walls and the splay falls well short of Highway Standards. Notwithstanding these matters, given the historical use of the access and compound for residential parking, the proposed new dwelling is not considered to result in any significant harm to highway safety.

## Impact upon Listed Building

Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses”.

As noted by the Conservation Officer, the building has little architectural or historically significant features that must be retained. The Coach House currently has a relatively domesticated appearance to it, with historic windows and doors to its elevations. The building lends itself well to conversion and the proposed scheme will not result in any significantly intrusive works to the historic fabric of the building.

The Conservation Officer has requested the re-siting of two small rooflights to the West elevation, however such is not possible without the reconfiguration of the internal layout due to service and drainage positions. Whilst the rooflights will impact slightly upon the blank elevation of the roof, the number of rooflights and their size has been kept to a minimum and I do not consider the impact upon the appearance of the building to be so significant as to warrant a reason for refusal.

The proposed development will make use of appropriate materials and will provide a suitable conversion for the building, thereby preserving its fabric and historical importance for future generations.

## Other matters

The proposed amenity areas serving the dwelling are considered to be acceptable and relate well to the building; the use of the proposed garden area is currently residential and therefore there should not be any undue impact upon neighbouring amenity. With regard to amenity, the conversion of the Coach House is not considered to result in an unacceptable relationship with Tor House.

No formal wildlife survey of the building has been undertaken despite the agent being advised that one would potentially be required at the pre-application stage. Instead, an initial inspection of the building has been undertaken. It concludes that the internal roof structure is exposed and walls appear to be in good condition with no obvious crevices. Given its ongoing use and functionality, the condition of the building and its well sealed nature, it is considered reasonable to conclude that protected species are unlikely to be present. It is proposed to include roof accesses for bats to the new roof void via three ridge tiles and eight access points at eaves level, however these may not be necessary.

Whilst evidence suggests that there is only a low likelihood of the building being used by protected species, such must be confirmed, especially given the requirements of the Habitat Regulations. It is therefore recommended that a pragmatic approach be taken, requiring a wildlife survey of the building to be

undertaken and submitted to the LPA and any mitigation designed and agreed, before any works can take place on the site.

### Conclusions

The proposed development will make good use of a Listed Building, providing for a sustainable residential development within Wiveliscombe. The development is not considered to adversely impact upon visual or residential amenity, highway safety, wildlife or the architectural or historic interest that the building possesses.

Taking the above matters into consideration, it is recommended that planning permission be granted subject to conditions.

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

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

49/15/0012/LB

MR & MRS E & P GAINES

**CONVERSION OF COACH HOUSE INTO DWELLING AT TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE**

Location: TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE, TAUNTON, TA4  
2RE

Grid Reference: 308558.128067

Listed Building Consent: Works

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A1) DrNo 2406.04 Plan and Elevations as Existing. Site Layout and Location Plans

(A1) DrNo 2406.05A Plans and Elevations as Proposed/ Privacy Diagram

(A1) DrNo 2406.06A Site Layout as Proposed

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

3. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: Metal railings; rainwater goods; windows; doors; slates; stone paint and areas to be affected.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Policy DM1 of the Taunton Deane Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

## PROPOSAL

The application seeks Listed Building Consent for the conversion of a former Coach House to a two bedroom dwelling, with associated access, parking and amenity space, land adjoining Tor House, Wiveliscombe.

The proposed conversion will result in the formation of an open plan living. Kitchen and dining area at ground floor with WC at ground floor, and two bedrooms and a family bathroom at first floor level. The conversion will make use of the existing building only, with no extension proposed. Additionally, all existing openings will be used, negating the need to form new openings within the fabric of the building.

Externally, new stone steps and balustrade will access the main entrance to the West elevation. Parking and turning will be provided within the existing walled compound to the West. Private gardens will be to the North of the building and an enclosed courtyard to the East where an existing outbuilding will be retained following modest renovation.

The physical conversion works will result in the roof being re-slatted with breathable membrane and timbers repaired where necessary. All fenestration will be of timber and rainwater goods block metal. Internally, new timber partitions will be installed and a new staircase constructed. Foul waste will be disposed of via mains sewer and surface water drained to gullies as existing.

The application is before committee because the applicant is an elected member.

## SITE DESCRIPTION AND HISTORY

Tor House is a Grade II Listed Building located to the East of Ford Road. The site comprises the principle listed dwelling house, which is set within large gardens and contains outbuildings to the North. The site is predominantly surrounded by residential development to the North, South and West.

The building subject of this application is listed virtue of its curtilage status and relationship to the principle buildings. The building is used actively for domestic storage and other purposes. It is of stone walls, slate roof and timber windows and doors. The compound to the West, which is enclosed by high stone walls and timber

gates, is used as for parking for Tor House, although the main dwelling has a main access and driveway to the South, which serves a large parking and turning area.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WIVELISCOMBE TOWN COUNCIL* - Support the application but question why it is listed.

*HERITAGE* - The coach house is listed by virtue of being a pre-1948 building ancillary to, and in the same ownership as, Tor House at the date of listing (26 March 1984). Externally, in its current guise it is quite domestic in character. Internally, little of historic interest survives. I have no objection to its conversion to domestic accommodation. That said, its proposed use as a separate dwelling rather than an annex is not without issues.

The spatial relationship between Tor House and the coach house is important and the introduction of a physical boundary between the buildings is likely to disrupt this. That said, because of the close proximity between the buildings this impact would not be as great as were the buildings some distance apart, although the introduction of a close-boarded fence is a further negative.

The design of the conversion is acceptable with the exception of the roof lights on the west elevation. These will exacerbate the domestic appearance of the building when viewed from the road and should be omitted. Internally, it would be preferable if the existing partition was retained but I have no great issue with its removal to the extent shown on the floor plan.

If the application is approved conditions should include details of railings, windows, doors and slates (if existing are not reused).

The proposed plan notes that 'rendering decorated breathable stone paint'. Clarification is required as to the colour of this paint and also that painted area refers only to the existing render and not does include current areas of natural stone finish.

### **Representations**

## **PLANNING POLICIES**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

Applications for listed building consent must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

This requires that in considering whether to grant listed building consent, the Local Planning Authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” .

As noted by the Conservation Officer, the Coach House has little architectural or historically significant features that must be retained. The Coach House is listed through its ancillary association to Tor House; in its own right it is doubtful whether it would be Listed as a stand alone building. The Coach House currently has a relatively domesticated appearance to it, especially to the East elevation, with windows and doors to its the East and West elevations. The building lends itself well to conversion and the proposed scheme will not result in any significantly intrusive works to the historic fabric of the building.

The Conservation Officer has requested the re-siting of two small rooflights to the West elevation, however such is not possible without the reconfiguration of the internal layout due to service and drainage positions. Whilst the rooflights will impact slightly upon the blank elevation of the roof, the number of rooflights and their size has been kept to a minimum. The rooflights will not dominate the roof and any domestication is limited; that said the building is to become a dwelling and therefore domestication is inevitable. The two roof lights are not considered to harm the character or appearance of the listed building to a degree that warrants refusal.

The proposed works will make use of appropriate materials and will provide a suitable conversion for the building, thereby preserving its fabric and historical importance for future generations.

The proposed development will preserve the listed building and the use of the building. It is recommended that Listed Building Consent be approved 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**

**APPEAL DECISIONS FOR COMMITTEE AGENDA – 27 MAY 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/14/3 001909	PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM AGRICULTURAL BUILDING TO DWELLING HOUSE (USE CLASS C3) AND ASSOCIATED BUILDING OPERATIONS AT SAWYERS HILL, WEST BUCKLAND	The conversion of the building to residential use, by virtue of its isolated location within open countryside, distant from services and sustainable settlements, would result in an unsustainable pattern of development where occupiers of the dwelling house would be heavily reliant upon the use of private motor vehicles. As such, the siting of the building makes it impractical and undesirable for the change to residential use contrary to paragraph 55 of the NPPF which seeks to prevent the creation of new isolated homes in the countryside.	46/14/0033CMB	APPEAL DISMISSED – PLEASE SEE APPLICATION FOR DETAILS

**APPEALS RECEIVED FOR COMMITTEE AGENDA – 27 MAY 2015**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
<b>APP/D3315/W/15/3005864</b>	<b>CHANGE OF USE OF COTTAGE ANNEXE TO SEPARATE UNIT OF ACCOMMODATION AT COMEYTROWE MANOR WEST, HIGHER COMEYTROWE, TAUNTON</b>	<b>42/14/0061</b>
<b>APP/D3315/Y/15/3004338</b>	<b>CONVERSION OF BARN (THE WAGON) TO HOLIDAY ACCOMMODATION AT KIBBEAR FARM, TRULL</b>	<b>42/14/0023LB</b>

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## **Planning Committee – 27 May 2015**

Present: - Councillors M Adkins, Bowrah, Brown, Coles, Mrs Floyd, Gage, Hall, Hill, Martin-Scott, Morrell, Nicholls, Townsend, Ms Webber, D Wedderkopp and Wren

Officers: - Bryn Kitching (Area Planning Manager), Matthew Bale (Area Planning Manager), John Burton (Major Applications Co-ordinator), Tim Burton (Assistant Director Planning and Environment), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Democratic Services Officer)

Also present: Councillor Gaines in connection with application Nos. 49/15/0009 and 49/15/0021LB and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### **51. Appointment of Chairman**

Resolved that Councillor Bowrah be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

### **52. Appointment of Vice-Chairman**

Resolved that Councillor Coles be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year

### **53. Apologies/Substitutions**

Apologies: Councillors Mrs Reed and Watson

Substitutions: Councillor Hall for Councillor Mrs Reed  
Councillor Ms Webber for Councillor Watson

### **54. Minutes**

The minutes of the meeting of the Planning Committee held on the 29 April 2015 were taken and read and were signed.

### **55. Declarations of Interest**

Councillors Coles and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Morrell declared that he knew the applicant for application No. 05/14/0014 but felt that he had not 'fettered his discretion'. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council.

### **56. 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:-

**27/15/0007**

**Erection of two storey extension to link farm house, swimming pool building and barn and conversion works to provide holiday accommodation with ancillary facilities at Allerford Farm, Norton Fitzwarren, Oake (amended scheme to 27/14/0010)**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A2) DrNo Y21/1N Proposed Ground Floor Plans;
  - (A3) DrNo Y21/2D First Floor Plan;
  - (A3) DrNo Y21/3C Second Floor Plan & Sections;
  - (A3) DrNo Y21/4G SE & SW Elevations;
  - (A3) DrNo Y21/5E NE & NW Elevations;
  - (A3) DrNo Y21/6L Location Plan and Block Plan;
  - (A3) DrNo Y21/7F Landscaping & Existing Drainage Plan;
  - (A3) DrNo Y21/8 Existing Elevations 1;
  - (A3) DrNo Y21/9 Existing Elevations 2;
  - (A2) DrNo Y21/10 Existing Floor Plans;
  - (A3) DrNo Y21/11A Location Plan;
  - (A3) DrNo Y21/12C Block Plan;
  - (A3) DrNo Y21/14B Planting Scheme;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning

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

- (e) The accommodation shall be occupied for holiday purposes only. The holiday accommodation shall not be occupied as a person's sole or main residence. The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual rooms/units on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority;
- (f) No part of the accommodation hereby permitted shall be occupied until space has been laid out within the site for the parking of motor vehicles in accordance with the approved plan DrNo Y21/12 Rev C and shall thereafter be maintained at all times;
- (g) None of the accommodation shall be occupied until the sewage disposal and surface water drainage works have been completed in accordance with the details hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. Once implemented the drainage schemes shall thereafter be maintained at all times;
- (h) Prior to the commencement of any works hereby permitted, a full wildlife survey shall be undertaken by a qualified ecologist and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment of the approved development upon those species found and mitigation measures (to include timing of works) to be carried out in order to safeguard protected species in accordance with the law. Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise agreed in writing by the Local Planning Authority;
- (i) No development shall take place until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall address and provide information on the matters:

#### During Demolition/Construction Process

- command and control (decision making process and communications to ensure activation of FEP);
- training and exercising of personnel on site (H& S records of to whom and when);
- flood warning procedures (in terms of receipt and transmission of information and to whom);

- site evacuation procedures and routes; and,
- provision for identified safe refuges (who goes there and resources to sustain them).

#### During Occupation of Development

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

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

(Notes to applicant:- (1) 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; (2) 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; (3) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (4) Applicant's attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations).

#### **49/15/0009**

#### **Conversion of Coach House into dwelling at Tor House, 48 Ford Road, Wiveliscombe**

#### **Conditions**

- a) The development hereby permitted shall be begun within three years of the date of this permission;
- b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 2406.04 Plan and Elevations as Existing. Site Layout and Location Plans;
  - (A1) DrNo 2406.05A Plans and Elevations as Proposed/ Privacy Diagram;
  - (A1) DrNo 2406.06A Site Layout as Proposed;
- c) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such

approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: Metal railings; windows; doors; slates; stone paint and areas to be affected;

- d) All guttering, downpipes and rainwater goods shall be constructed of metal and painted black and thereafter maintained as such;
- e) The courtyard area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- f) Prior to the commencement of any works hereby permitted, a full wildlife survey shall be undertaken by a qualified ecologist and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment of the approved development upon those species found and mitigation measures (to include timing of works) to be carried out in order to safeguard protected species in accordance with the law. Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise agreed in writing by the Local Planning Authority;
- g) The natural stone to be used in the construction of the steps to the west elevation of the building shall be a scrupulous match for the stone used in the existing building unless otherwise agreed in writing with the Local Planning Authority;

(Notes to applicant:- (1) 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; (2) 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.)

**49/15/0012/LB**

**Conversion of Coach House into dwelling at Tor House, 48 Ford Road, Wiveliscombe**

**Conditions**

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

- b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 2406.04 Plan and Elevations as Existing. Site Layout and Location Plans;
  - (A1) DrNo 2406.05A Plans and Elevations as Proposed/ Privacy Diagram;
  - (A1) DrNo 2406.06A Site Layout as Proposed;
- c) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: Metal railings; rainwater goods; windows; doors; slates; stone paint and areas to be affected;
- d) The natural stone to be used in the construction of the steps to the west elevation of the building shall be a scrupulous match for the stone used in the existing building unless otherwise agreed in writing with the Local Planning Authority;

(Notes to applicant:- (1) 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; (2) 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).

**57. Erection of a car port to front of Cobwebs, 18 Great Mead, Bishop's Hull (retention of works already undertaken) (05/15/0014)**

**Resolved** that this application be deferred to enable the Area Planning Manager to negotiate with the applicant as to whether the colour of the car port could be changed so that it did not stand out so much.

**58. E/0074/41/14 – Alleged unauthorised use of property known as Tower View as a holiday let with breach of agricultural tie at Grove Farm, Tolland**

Reported that it had come to the attention of the Council that Tower View – an agricultural workers' dwelling to the north of Grove Farm, Tolland – was being used as a holiday let in breach of planning control.

The owner of the property was initially contacted during 2014 who had informed the Council that the use of the premises as an agricultural workers dwelling would cease at the end of that year.

A Planning Contravention Notice (PCN) was served on the owner in January 2015 to establish the situation relating to the premises. The completed PCN had confirmed that Tower View had last been used as an agricultural workers dwelling in November 2013 and that a holiday let use had commenced from Easter 2014.

A planning application to regularise the situation had been submitted but this had been refused under delegated powers on 1 April 2015.

**Resolved** that:-

- (1) An enforcement notice be served requiring the cessation on the use of Tower View as a holiday let;
- (2) Any enforcement notice served should have a three month compliance period;
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

## **59. Appeals**

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

**Resolved** that the report be noted.

(The meeting ended at 6.40 p.m.)