

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 24 June 2015 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 27 May and 3 June 2015 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 38/15/0026 Demolition of former nursery building, conversion of former cafod building into 2 No. dwellings with erection of attached single dwelling and alterations to car parking arrangements and associated works at former Cafod Building, St George's Church, The Mount, Taunton as amended
- 6 14/15/0016 Demolition of dwelling, garage and outbuildings and erection of 2 No. detached dwellings each with detached garage and associated works at 16 Crown Lane, Creech Heathfield (amended scheme to 14/14/0060)
- 7 14/15/0008 Change of use of land for the siting of a mobile home on land adjoining North end Farm, North End, Creech St Michael
- 8 E/0006/38/15 Breach of planning condition restricting clothing sales to 20% of retail space at Go Outdoors Taunton
- 9 36/15/0009 Demolition of dwelling and erection of replacement dwelling with garage / workshop building at Dawnlea, Griggs Hill, Stoke Road, Stoke St Gregory
- 10 The latest appeals and Decisions received

04 August 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 – 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.)

## Planning Committee – 3 June 2015

Present: - Councillors Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs J Adkins, M Adkins, Brown, Gage, Hill, Morrell,  
Nicholls, Mrs Reed, Townsend, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Tim Burton (Assistant Director  
- Planning and Environment), Roy Pinney (Legal Services Manager)  
and Tracey Meadows (Democratic Services Officer)

Also present: Councillors Hall, Mrs Blatchford, Habgood, Berry and Mrs A Elder, a  
Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### 60. Apology/Substitution

Apology: Councillor Martin-Scott

Substitution: Councillor Mrs J Adkins for Councillor Martin-Scott

### 61. Declarations of Interest

Councillors M Adkins, Coles and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Nicholls declared a personal interest as he was Clerk to Comeytrowe Parish Council. Councillor Townsend declared personal interests as he was Vice-Chairman to Kingston St Mary Parish Council and Chairman to the Kingston St Mary Village Hall Association. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillors Bowrah and Coles declared that they had received emails from objectors in respect of application No 05/15/0011.

### 62. 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 development:-

**20/15/0005**

**Change of use from agricultural to equestrian use of 2 No. fields to the south west and 1 No. barn and variation/extension to days and times of operations at Hobby Horse Riding Centre, Pickney Farm, Kingston St Mary (part retention of works undertaken)**

**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 2015024 001 Location Plan;
  - (A4) DrNo 2015024 Site Plan;
- (c) The riding stables hereby permitted shall not be operated outside of the following times:-

Tuesday 10:00 - 18:00  
Thursday 10:00 - 18:30  
Friday 10:00 - 18:00  
Saturday 09:30 - 18:00  
Sunday 10:00 - 16:00

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

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

**49/15/0009**

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

### **Reason**

The proposed development is considered to be poorly designed. The design and layout pays little regard to the context and topography of the site and creates unacceptable relationships between existing and proposed development.

These significant and demonstrable harms outweigh the benefits of granting planning permission when considered against the National Planning Policy Framework when taken as a whole and is therefore not considered to be sustainable development.

(The meeting ended at 7.40 p.m.)

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors, D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St May Village Hall Association – Councillor Townsend
- Trustee to Home Services Furniture Trust, Trustee to Bishop Foxes Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls

38/15/0026

DIOCESE OF CLIFTON

**DEMOLITION OF FORMER NURSERY BUILDING, CONVERSION OF FORMER CAFOD BUILDING INTO 2 NO. DWELLINGS WITH ERECTION OF ATTACHED SINGLE DWELLING AND ALTERATIONS TO CAR PARKING ARRANGEMENTS AND ASSOCIATED WORKS AT FORMER CAFOD BUILDING, ST GEORGE'S CHURCH, THE MOUNT, TAUNTON AS AMENDED**

Location: CAFOD BUILDING, ST GEORGES CHURCH, THE MOUNT,  
TAUNTON, TA1 3NR

Grid Reference: 322972.124229

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:

(A0) DrNo 604/7634/4 Elevations  
(A2) DrNo 604/7634/2 Ground Floor Plan  
(A2) DrNo 604/7634/3 First Floor Plan  
(A2) DrNo 604/7634/1 Site Plan

(A4) Location Plan  
(A2) DrNo 1456/P01C Proposed Site Plan  
(A3) DrNo 1456/BP02B Proposed Block Plan  
(A2) DrNo 1456/P02B Proposed Ground Floor Plan  
(A2) DrNo 1456/P03B Proposed First Floor Plan  
(A2) DrNo 1456/P04B Proposed Roof Plan  
(A2) DrNo 1456/P05B Proposed South East Elevation  
(A2) DrNo 1456/P06B Proposed North West Elevation  
(A2) DrNo 1456/P07B Proposed Dwelling Elevations  
(A2) DrNo 1456/P08A South West Elevation

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

3. No new wall construction 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. The development hereby permitted shall not be commenced (including any demolition) until a dusk emergence survey report has been submitted to and approved in writing by the Local Planning Authority. The survey shall ascertain the usage of the site by bats and shall be undertaken by an appropriately qualified person at an appropriate time of year (May to August) and use techniques and equipment appropriate to circumstances.

Reason: To ascertain accurate and up to date usage of the site by bats.

5. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of jh Ecology's Preliminary Bat Roost assessment, dated March 2015 **and the up to date Bat emergence survey** and 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 enhancement of places of rest for bats and nesting birds.

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

Reason: To protect and enhance the site for bats and birds.

6. No foundation excavation shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the

Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy CP8 of the Taunton Deane Core Strategy, retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

7. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no.BP02B for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

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

8. The window(s) in the upper floors of the north elevation of the new build dwelling shall be glazed with obscure glass and limited opening or fixed 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.

Reason: To ensure the privacy of the adjoining occupiers in accordance with retained Policy H17(A) of the Taunton Deane Local Plan.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 ("the 2015 Order") (or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes A to C of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent over development in an area of housing at a high density and to ensure that the development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

10. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development unless otherwise approved in writing by the Local Planning Authority.

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

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

11. The design, materials and type of boundary treatment to be erected shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being occupied. The agreed boundary treatment shall be completed before **the building(s) are occupied** and thereafter maintained as such, 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.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

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

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

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

3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

#### **PROPOSAL**

The proposal is to convert the existing Victorian building on site into two dwellings

with the demolition of the external stair turrets and the provision of internal staircases. In addition an additional dwelling is proposed to be constructed off the gable end of the building. The latter provides a 3 bedroom dwelling with two parking spaces. The parking and access layout are amended to provide a total of 15 parking spaces of which 11 spaces would be available for use in association with the Parish Centre and to separate the access to the church and nursing home from the school.

## **SITE DESCRIPTION AND HISTORY**

The site lies on the east side of the Mount and consists of a tall two storey brick property with dormers set into the roof scape of slate and an adjacent single storey prefabricated building that was used as a pre-school but has since been replaced within the school site to the south.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to standing advice.

*HERITAGE* - No comment.

*DRAINAGE ENGINEER* - I note the surface water is to be discharged to soakaways. These should be constructed in accordance with BRD 365 (September 1991) and made a condition of any approval.

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

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

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

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

## Separate Sewer Systems

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

*BIODIVERSITY* - Seven immature-semi mature trees would need to be removed to facilitate the scheme. jh Ecology carried out a preliminary Bat Roost assessment of the building in March 2015.

Findings of the survey are as follows

Bats - The survey found very limited evidence of bats in the form of a single old dropping found in the roof void of the Victorian building. The dropping is likely to be from a pipistrelle bat occasionally using the building. I agree that a further survey is required to ascertain use of the building. Due to low potential for bats the survey can be conditioned. I agree that the likely mitigation will include retaining or recreating bat access points and by incorporating a bat tube in the wall of the new dwelling. (The level of mitigation may need adjustment following the emergence survey.)

Birds - The surveyor found no evidence of nesting birds. The trees proposed for removal do provide potential nesting habitat. Trees should only be felled outside the nesting season.

Condition for further bat survey, wildlife mitigation and informative note.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - The area lies within an area known to contain the remains of the Taunton medieval town defences, thought to comprise a substantial bank and ditch. The site also has a high potential for remains associated with the Civil War. We therefore recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the NPPF (para 141). This should be secured by use of model condition 55 attached to any permission.

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* - CIL rate = £70 per sqm. Application form and Design & Access statement advise existing buildings are redundant and not in current use. Therefore the existing buildings cannot be deducted from the CIL liability. 1x 2bed GIFA = 72sqm, 1x 2bed GIFA = 78sqm and 1x 3bed GIFA = 112sqm approx.

Total = 262sqm approx CIL liability = £18,400 approx.

## **Representations**

Ward Cllr Hall - I visited the location and viewed the proposals. Already the owners light is restricted because of the existence of a large victorian two storey building currently unoccupied but to be refurbished and turned into flats. The proposals for a new two storey house to be built adjacent to the existing on land currently occupied by the single storey children's nursery, will remove the rest of the outlook of the adjacent property and create a further loss of privacy. In these circumstances I object to the new house being built in that position, a single storey building replacing the existing like for like would be acceptable.

5 letters of objection on grounds of:

- loss of privacy,
- loss of light due to roofline losing 40% of light,
- house should be no higher than adjacent hall,
- impact on town defences,
- loss of house value

1 letter re loss of parking for catholic centre and access could be reconfigured to improve parking, concern over safety of school children and house design out of scale with existing. Revised comment on amended plan suggesting an additional parking space, the new dwelling detracts visually, a conflict of scale and block plan notation should be amended.

1 letter of support as will bring redundant building into use and ensure its retention and there will be no direct overlooking.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP8 - CP 8 ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 M4 - TDBCLP - Residential Parking Provision,  
 EN23 - TDBCLP - Areas of High Archaeological Potential,

## **LOCAL FINANCE CONSIDERATIONS**

The site lies within Taunton where the CIL rate is £70 per sqm. The approximate CIL liability (to the nearest £500) would be £18,500.

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)	£3,237
Somerset County Council (Upper Tier Authority)	£809

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£19,423
Somerset County Council (Upper Tier Authority)	£4,856

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues are the impact on residential amenity, impact on trees, historic assets, access and parking provision.

The proposal involves the conversion of the existing Victorian brick building into two

dwellings, each with two bedrooms, and the replacement of the single storey disused nursery school portable building with a two storey dwelling. The existing building has an existing impact on the surrounding properties and the provision of accommodation at first floor level is not considered to detrimentally impact on the privacy of neighbours to an unacceptable degree, given that the first floor windows at the rear would serve either bathrooms or bedrooms. The design of the new build dwelling has been amended to prevent any overlooking from upper floor windows as the first floor window facing north towards the neighbour is an obscure glazed bathroom window and the other opening is a high level obscure glazed window serving the roof space only. The new building has been reduced in height from the original submission by 1.5m to 7.7m and the rear gable has been set back to 4m off the boundary to the north. There has been a couple of local objections to the scheme on the basis of loss of privacy, light, outlook and value. The loss of privacy is addressed above and is not considered a ground for refusal. The issues of loss of view and value are not planning matters that can be considered. It is considered that development would impact on the light and outlook of the existing property however this impact is not one that is considered sufficiently adverse to warrant a reason for refusal and the impact of the scheme is considered an acceptable one.

The existing site has 8 trees, including 4 sycamore, 2 ash and 2 cherry. These are not considered to be significant specimens and all but one are to be removed as part of the development to allow for parking and access. Replacement tree planting is proposed as part of the scheme and will be conditioned as part of any approval. The drainage of the new dwelling site is via soakaway sited to the front of the dwelling and the Drainage Officer is satisfied with this.

The site lies within the area of archaeological interest due to the town's medieval defences and a condition to secure appropriate recording of any archaeology is recommended by the County Archaeologist. The existing Victorian building is of interest but not listed, however the scheme will ensure its retention as part of the street scene without the more modern flat roof stair turrets which are to be removed.

The revised scheme provides for 15 parking spaces and a separate access to the school land while maintaining the church and nursing home access off the access to The Mount. The access visibility will not be affected and if anything will be improved over the existing private parking situation. The parking allows for one space per new converted dwelling and two spaces for the new three bedroom unit. This is considered in line with parking standards given the central location close to the town centre. The revised layout provides a further 11 spaces for the adjacent church hall together with turning space and given this access serves as a private drive the use of the access and separation from the school access is considered a safety improvement.

In summary the conversion of the existing building, erection of a new dwelling and provision of access and parking are considered to be acceptable and not to cause significant harm to residential amenity, highway safety or the character of the area and is recommended for approval.

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

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

14/15/0016

MR R PITMAN

**DEMOLITION OF DWELLING, GARAGE AND OUTBUILDINGS AND ERECTION OF 2 No DETACHED DWELLINGS EACH WITH DETACHED GARAGE AND ASSOCIATED WORKS AT 16 CROWN LANE, CREECH HEATHFIELD (AMENDED SCHEME TO 14/14/0060)**

Location: RUMAH MEMPHI, 16 CROWN LANE, CREECH HEATHFIELD,  
TAUNTON, TA3 5EU

Grid Reference: 327890.127274

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Subject to the receipt of no objection from the Drainage Engineer/SCC Flood Risk Manager: Conditional Approval

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

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

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

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

- (A4) Location Plan
- (A4) Existing Block Plan
- (A4) Existing Site Plan
- (A4) Proposed Block Plan
- (A4) Proposed Site Plan
- (A4) Proposed Floor plot 1 Plan
- (A4) Proposed Elevations Plot 1 Plan
- (A4) Proposed Floor Plot 2 Plan
- (A4) Proposed Elevations Plot 2 Plan
- (A4) Garage Floor & Elevations Plot 1 Plan
- (A4) Garage floor & elevations Plot2 Plan
- (A4) Existing Dwelling Elevations

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A, B, C & E of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

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

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

7. No site clearance works or vegetation removal shall take place between 1st

March and 31st July inclusive without the prior written approval of the Local Planning Authority.

Reason: To ensure that wild birds building or using their nests are protected.

8. 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 a specialist **consultants** report, and include:
- A further bat activity survey to ascertain the usage of the site by bats. It shall be undertaken by an appropriately qualified person between May-October and use techniques and equipment appropriate to the circumstances;
  - A reptile mitigation survey to ascertain the usage of the site by reptiles. It shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances;
  - 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 any resting places and agreed accesses for the relevant **species** 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.

Reason: To protect and accommodate **wildlife** and their habitats.

9. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

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

#### 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. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
3. Any proposed works must not encroach on to the width of the public right of way to the west boundary of the site.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 357562.

## **PROPOSAL**

The proposal involves demolition of the existing bungalow and erection of two detached two storey dwellings. Each dwelling will scale 11.6m x 9.75m with a ridge height of 6.3m. The dwellings will be set back from the road, have a shared entrance with a detached garage plus two parking spaces to the front of each property. They will be a mirror image of each other, rendered with a tiled roof and the principle elevation will face the road to the west. A landscaping scheme has been submitted with the application which shows replacement landscaping along the roadside boundary.

## **SITE DESCRIPTION AND HISTORY**

The site comprises a detached bungalow which has been extended and altered over

the years. The property is accessed down a private lane which serves Crown Lane and Kendall Close.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CREECH ST MICHAEL PARISH COUNCIL* - Creech St Michael parish council object to the erection of 2 dwellings at 16 Crown lane for the following reasons:

The design size and massive style particularly the roof line is not consistent with any other dwellings in the vicinity and does not respond to local character and history, or reflect the identity of local surroundings therefore detrimental to the street scene. We feel this is contrary to the Taunton Deane Core strategy and the NPPF and believe on balance this out ways the benefit of 2 new modern dwellings.

The application doesn't include details of the drainage system.

We invited the developers of this site to contact the parish council and work positively with us and the community with those directly affected to help resolve the poor design and find a design that works with the location in our comments on the previous application (14/14/0060) we are disappointed that the applicants decided not to work with us. This in its self goes against planning policy NPPF paragraph 66 We would like to recommend some additional parking for visitors and delivery's as there can be no parking on or obstructing of Crown Lane in any way. This part of Crown Lane is a public right of way (T10/14) if permission should be granted we ask the developer to create an area on the site to allow delivery vehicles to unload without obstructing Crown Lane.

And for info. There is a water course running from the north to the south through the site very close to the rear of the proposed development

NPPF Section 7 page 14 Requiring good design

#### Paragraph 56.

The government attaches great importance to the design of the built environment. A good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people

#### Paragraph 64.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and way it functions.

#### Paragraph 66.

Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

## TD CORE STRATEGY

### Policy DM4 6.25

Respect the amenity of its site and neighbouring area in terms of scale, height, layout, architectural style and materials and impact on highway safety  
Incorporate high-quality architecture that respects its context.

### 6.26

In line with the NPPF, the council will seek to secure attractive and well-designed development that will deliver its vision for the borough. Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. It is also important to 'design out' crime and the principles set down in the UK Police initiative, "secured by design", should be incorporated into development proposals.

Again we urge the developers of this site to contact the parish council and work positively with us and the community with those directly affected to help resolve the poor design and find a design that works with the location.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Comments as follows:

The site lies on Crown Lane an unadopted section of road that serves a number of dwellings. The road is sub-standard and is unlikely to ever be adopted but may be sufficiently robust to serve as an access for the proposed development.

Because the road is unadopted, it is not possible to insist on too many changes or standards to be incorporated into the design. It is sensible to request that the necessary parking is provided. The site lies in Zone B as defined in the Somerset County Parking Strategy and for the 4 bedroom houses specified, the required parking is 3 spaces per dwelling which is reported in the application. The drawings appear to show a double garage and 2 spaces per dwelling but the spaces and garages are substandard in size. Garages should be 6 by 3 metres, internal dimensions, and double garages should be 6 by 6 metres. The length is so that an average car can be driven into the garage without hitting the back wall and the door can still be closed. The width is so that drivers can still get out of the car easily having driven in. Garages of less than this size cannot be considered parking spaces as they are more likely to be used as storage. The spaces in front of the garages are also substandard in length since extra length is needed in front of a garage to allow the door to be operated. There appears to be room to accommodate the changes without affecting the dwellings proposed.

In light of the above, the Highway Authority raises no objection to this application subject to the following conditions:-

The dwelling hereby permitted shall not be occupied until 3 parking spaces for each dwelling have been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than

for the parking of vehicles or for the purpose of access.

*SCC - RIGHTS OF WAY* - Comments as follows:

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the proposed access the site at the present time (footpath T 10/14). I have attached a plan for your information.

Any proposed works must not encroach on to the width of the footpath.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 357562.

*DRAINAGE ENGINEER* - No comments received.

*WESSEX WATER* - Comments as follows:

#### Water Supply and Waste Connections

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

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

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

### S105a Public Sewers

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers). At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

*HERITAGE* - The existing bungalow is of low historic interest although there does appear to be buildings on the proposed development site shown on the 2<sup>nd</sup> edition OS Map of c.1900. I have no objection to its demolition on conservation grounds. The proposed development site is approx. 25m north of the Grade II listed Crown Inn. It is however noted that there is already a recent building between the listed building and the site and it is therefore unlikely that the proposed dwellings would adversely impact on the setting of this listed building.

I have no objections on conservation grounds.

*BIODIVERSITY* - Prior to demolition a further bat activity survey is required between May- October to enable a thorough assessment of bat activity on site. A reptile mitigation survey is required. Vegetation should only be removed outside of the bird nesting season.

*DIVERSIONS ORDER OFFICER* - The access route to the proposed development carries the public footpath T10/14. Subject to planning consent being granted adequate health and safety measures should be put in place during any construction and demolition works. Every effort should be made to avoid damaging the surface of the way.

### **Representations**

18 Letters of OBJECTION on grounds of:

- Crown Lane is privately owned;
- Residents have had to pay£13,000 recently for the update of the lane;
- There is no pavement;

- Need access for emergency vehicles;
- Crown Lane is already at capacity;
- No passing places for traffic;
- There is only three houses and four chalet bungalows in the lane;
- 95% of dwelling in the vicinity are bungalows;
- Two large detached houses are out of keeping with the surrounding area;
- A twin apex roof is out of keeping;
- The windows area is out of keeping;
- There is insufficient provision for vehicles;
- Site will no longer absorb surface water run-off;
- The fall of the mains drain is inadequate and gets easily blocked;
- There is no room to the rear of the dwellings for waste storage/disposal;
- There is limited public transport;
- Delivery vehicles are often too large and unable to turn;
- The proposal will set a precedent for future development;
- Construction traffic will cause traffic hold ups and erode road surface of the lane;
- We will not grant access consent for another dwelling;
- Dwellings will look out of place;
- Proposed dwelling heights are significantly higher than adjoining properties;
- Proposed garages are too small and the space between the two areas of hard standing is too narrow;
- The garages will visually dominate the street frontage;
- The houses will overlook the bungalow opposite;
- Detrimental visual effect upon the landscape;
- The existing drainage systems may not function with the additional homes;
- We will be adversely affected by demolition works and construction works and traffic;
- The houses will be built over the existing storm culvert;
- The development would be infill and set an unwelcome precedent;
- The development would have a negative impact upon the Grade II Listed Building nearby;
- The proposed density for the site is disproportionate;
- There is no street lighting.

A petition against the proposal, signed by the occupants of 33 houses, has been submitted;

- A new freehold property will not have a right of way over the Lane;
- the LPA cannot be satisfied that access to a new development in Crown Lane can be secured without signed agreement from each resident in Crown Lane and Kendall Close;
- Residents of Crown Lane would be within their rights to legally and /or prevent/stopping access to the proposed new dwelling via this route.

## **PLANNING POLICIES**

S5 - TDBCLP - North Curry Settlement Limits (HISTORIC),  
 ROW - Rights of Way,  
 EN12 - TDBCLP - Landscape Character Areas,

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development outside the settlement limits of

Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £28,625

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

#### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1,079
Somerset County Council (Upper Tier Authority)	£ 270

#### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6,474
Somerset County Council (Upper Tier Authority)	£1,619

### **DETERMINING ISSUES AND CONSIDERATIONS**

The application is a re-submission following withdrawal of the previous scheme for the erection of three dwellings.

The site is located within the settlement boundaries of Creech Heathfield. As such, the principle of replacing the existing dwelling and creating an additional dwelling is not contrary to Policy. The existing building is not Listed and the site is not within a conservation area.

To the south of the site is a single storey dwelling and then a two storey listed building. Beyond this there are some two storey dwellings facing on the eastern side of Crown Lane. To the north of the site is a two storey dwelling (No 18). To the west of Crown Lane the properties are predominantly single storey or chalet bungalows. It is considered that along this stretch of Crown Lane two storey properties will not be out of keeping. The position of the dwellings will follow the existing building line. In order to maintain a low ridge height the proposed dwellings will have a twin gabled roof. The proposed ridge will be 200mm lower than the adjoining property to the north and the listed building to the south. The dwelling opposite the site (No6), albeit single storey, is set at a higher ground level and has a ridge height 500mm higher than the proposed dwellings. The design, siting and massing of the proposed dwellings will not detract from the character and appearance of the surrounding area and there will be no adverse visual impact. The density of the development is typical of the existing properties in the area. There is an existing property separating the site from the nearby Listed building and the proposal is not likely to adversely affect the setting of the listed building.

There has been a lot of comments made within the representations received regarding the ownership of the lane and the increase in traffic along the lane. Crown Lane is privately owned, therefore access rights over the Lane are a civil matter and do not form part of the planning process. A planning approval will not provide an additional right of access over the lane. In terms of traffic generation the site is within

the settlement limits and there is considered to be no significant impact from one additional dwelling on the site. The plans show adequate parking and turning facilities for both dwellings. The access will replace the existing access , repositioned slightly to the south.

A public right of way runs along the west boundary to the site, of which the access will need to cross. Care must be taken not to damage or block the right of way. An informative may be added to the decision notice to ensure the applicant is aware of the correct procedures regarding the footpath. The proposed dwellings, once built, will not adversely affect users of the right of way.

There is some concern from surrounding residents that the site currently absorbs surface water run off from the road and that the proposal will affect the site's ability to do this. The Council has consulted Somerset County Council regarding drainage and flooding and is awaiting a response. However, a suitable condition will ensure details are submitted regarding the disposal of surface water run off and foul sewerage to ensure adequate measures are put in place.

The addition of one extra dwelling in a built up area would not require additional infrastructure such as street lighting. The proposal would be liable for CIL payments and as such the Parish Council may look to improve local facilities with their element of the payment.

There is some evidence of protected species using the site in the past. Additional surveys are required prior to commencement, along with suitable mitigation strategies to ensure wildlife protection.

There is considered to be no adverse impact upon the residential amenities of surrounding properties, in terms of loss of privacy or loss of light.

The application is recommended for Conditional Approval.

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

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

14/15/0008

MR J HUNT

**CHANGE OF USE OF LAND FOR THE SITING OF A MOBILE HOME ON LAND ADJOINING NORTH END FARM, NORTH END, CREECH ST MICHAEL**

Location: LAND ADJOINING NORTH END FARM, NORTH END, CREECH ST MICHAEL, TAUNTON, TA3 5ED

Grid Reference: 327471.126354 Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves an appropriate need, such as the need for affordable homes. Whilst the site adjoins the settlement limit, it is not considered that there are no other suitable sites within the rural centre itself, or that the need cannot be met by the affordable homes currently under construction within the village, or other affordable dwellings soon to be constructed in the adjacent Parish. The scheme therefore represents an unjustified dwelling outside of settlement limits that would set an undesirable precedent for future development. As such, the proposal is contrary to Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

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

Notes to Applicant

**PROPOSAL**

The site is an overgrown grass field at North End, just outside of the settlement boundary. There are currently two metal storage containers located within the site. The site lies on a significantly higher level than the road and is accessed via a steep concrete/hardcore track. To the west is North End Farm, a listed property, which lies on a lower level than the site, to the east is Highfield, a residential property on a similar level to the site. A linear line of dwellings lie opposite the site on a lower level.

This application seeks planning permission for the siting of a mobile home, in the form of a two bedroom log cabin in the north-west corner of the site. This is stated to be required for a person of retirement age, over 60 due to the lack of affordable retirement housing available within the village. Occupation would be by the

applicant, a retired person who lived at Highfield Farm until 2005 and has since lived in Taunton. The applicant has two brothers and an aunt living within the village and wishes to return. He would like a two bedroom dwelling with all accommodation on the ground floor.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CREECH ST MICHAEL PARISH COUNCIL* - Support – Wish to avoid a precedent but recognise site would provide an affordable accessible dwelling for aged local people (who have lived in the Parish for at least one year prior). A static caravan existed on site 20 years ago.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to standing advice

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

*DRAINAGE ENGINEER* - No comments received

*HOUSING ENABLING* - Housing Enabling does not support this application. Any affordable home would require to be let through the choice based lettings system, Homefinder Somerset or in the case of low cost home ownership applicants vetted through the appropriate process and open to all local residents in housing need

There is a number of affordable homes of varying size and tenure currently being constructed within Creech St Michael in addition to existing affordable housing provision, including older persons accommodation.

## **Representations**

Five letters of objection on the grounds of:

- Land is green agricultural land, outside defined settlement limits for Creech, not to be built on.
- Lot of affordable housing being built, an unnecessary building.
- Steep access and no pedestrian access, obscured views onto busy, fast road. Access hazardous. Transport Development Group raised concerns in past.
- Future pedestrian access would require steep steps, not suitable for elderly person. No footpath access to site.
- Mobile home not in keeping with listed building next door.
- Precedent for further development on the site
- Will overlook surrounding properties, including North End Villa, North End Farm and 1-2 Elderberry Cottages.
- Will look unsightly and affect wildlife. Existing storage containers are an eyesore.
- Creech has been significantly increased in size with in excess of 250 new dwellings being built or already built.
- High voltage power lines crossing site, moving these would cause disturbance to residents and businesses.
- A lot of rubbish has been dumped/burned on the site.
- Plenty of static caravan sites nearby in Bathpool and Monkton Heathfield, which are more suited to this type of dwelling.
- Delivery of sections to site difficult due to steep access and turn into site.

## **PLANNING POLICIES**

DM2 - TD CORE STRATEGY - DEV,

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

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

Somerset County Council (Upper Tier Authority) £270

### 6 Year Payment

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

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site lies outside of any settlement limits and is therefore regarded in planning terms, as countryside, where there is a general presumption against residential development. The land has been promoted as part of the SHLAA for residential

development, but was not pursued as a favoured option for the following reason:

*Whilst this site is adjacent to the settlement, it is relatively poorly related to facilities, and integration into the community would be difficult to achieve. Given alternative potential housing sites around the village, this site is not considered suitable as a development extension.*

Outside of defined settlement limits, Policy DM2 applies. There is no provision for new residential development set out within this policy, with the exception of affordable housing (Part 6). Part 6 (a) makes provision for affordable housing adjoining settlement limits, provided no suitable site is available within the rural centre.

Due to the nature of the proposal, being an affordable home for a specific elderly resident, the Council's Housing Enabling Team were consulted to ascertain whether the scheme was considered to be an exception. The scheme did not however receive their support, on the basis that the dwelling was not being let/sold through the appropriate affordable housing systems and was not therefore available to all local residents in housing need, nor were potential occupiers to be checked as eligible. On this basis, the proposed dwelling is not considered to meet the criteria of Part 6.

Furthermore, Policy DM2 requires there to be no suitable sites within the rural centre. The village already has a range of existing affordable housing, including older persons accommodation. In addition, there is a number of affordable homes of varying size and tenure currently being constructed on two different sites within Creech St Michael, amounting to 10 units within the next few months and a further 14 early next year, along with a scheme in nearby Henlade, which would bring forward a further 26 affordable homes in Spring next year. There is therefore a significant choice of local affordable housing shortly becoming available both within Creech St Michael and the neighbouring Ruishton parish. It is acknowledged that these affordable homes may not be in the form of bungalows, however, this does not preclude adaptations being undertaken, as is regularly done, to suit the needs of elderly residents.

Taking the above into account, the proposed scheme represents a new dwelling, outside of settlement limits, on a site poorly related to facilities, where integration into the community would be difficult to achieve, as quoted from the SHLAA assessment. The proposed dwelling is not considered to satisfy the affordable housing criteria, as set out in Part 6 and there are other sites available within the rural centre, also concluded by the SHLAA assessment, including a significant amount of affordable homes shortly becoming available. The agent comments that future provision of affordable housing cannot meet current need, however as set out above, a proportion of these units are nearing completion and will be available within the next couple of months. This is considered a reasonable timescale to meet current need.

As such, the scheme represents a new dwelling, outside of settlement limits, for which there is not considered to be a defined need. It is not considered that the need for an affordable home cannot be met in any other way and granting of this proposal would set an undesirable precedent for future development.

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

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

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

**E/0006/38/15**

**BREACH OF PLANNING CONDITION RESTRICTING CLOTHING SALES TO 20% OF RETAIL SPACE**

**OCCUPIER:**

**OWNER:** GO OUTDOORS  
UNITS 2 & 3 ST JOHNS BUSINESS PARK, PRIORY WAY  
INDUSTRIAL ESTATE, TAUNTON  
TA1 2BB

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the breach of condition 10 of planning permission 38/13/0267 to cease.

**RECOMMENDATION**

The Solicitor of the Council be authorised to service 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:

- a) Cease the breach of condition 10 of planning permission 38/13/0267 which restricts more than 20% of the internal net floor area of the store to be used for the sale of clothing and footwear.
- b) Remove clothing and footwear in excess of the permitted 20% from the net floor area of the retail store.

Time for compliance

With regards to a) above 3 months from the date on which the notice takes effect.

With regards to b) above 3 months from the date on which the notice takes effect.

**SITE DESCRIPTION**

The site comprises retail units numbers 2 & 3 St Johns Retail Park, situated between Toneway and the railway line. To the front of the units is a large car parking area which also serves the retail unit number 1 St Johns Retail Park opposite. To the rear of the units there is a small servicing and delivery area. To the south-west of the unit is Priory Way industrial estate which comprises a number of small business units. Access is off a one way system off Toneway. The 2 units have gross floor area of 2989 square meters, comprising ground floor and mezzanine level.

**BACKGROUND**

A written complaint was made to the Council on 13 January 2015 alleging that the amount of floor space that was devoted to clothing and footwear was more than the 20% allowed by condition 10 of 38/13/0267.

The site was inspected and discussions held with the occupier's agent. Given the difficulties with calculating the division of floor space the agent was requested to prepare a plan of the floor area. There has been considerable discussion with the agent regarding the method of measuring the amount of floor area and how the 20% requirement was calculated. Two plans were submitted to the Council showing either 12% of 31% floor area (depending on the method of measurement employed) given over to clothing and footwear. Your officers opinion is that the level is currently well in excess of 30%.

It is acknowledged that the method of interpreting the floor area is not clear, however your officers are satisfied that a breach existed and the occupiers were instructed to reduce the amount of floor space to comply with the 20% level. The occupier's agent still asserts that the method of calculation is not clear and the site has not been altered to comply.

Authority is sought to serve an Enforcement Notice (rather than a Breach of Condition Notice) to require the store to alter its layout to comply with the 20% requirement. A breach of Condition notice has no right of appeal, therefore any interpretation of the condition would only occur via prosecution proceedings in the Magistrates Court. The issuing of an (appealable) Enforcement Notice will ensure that the interpretation of the condition is determined by a planning inspector. It is believed that the Planning Inspectorate is the more appropriate place to consider the interpretation of the condition and will result in a more robust decision.

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

Breach of condition 10 of 38/13/0267, more than 20% of net floor area for the sale of clothing and footwear directly associated with the range of goods permitted.

## **RELEVANT PLANNING HISTORY**

38/98/0441 - Demolition of buildings and redevelopment to provide 4,180 sq m of non-food retail warehousing with associated car parking, cycle provision and servicing at St Johns garden centre, Toneway.

38/13/0265 - Installation of a mezzanine floor extending to 1,115 sqm and external alterations associated with the amalgamation of units 2 and 3 St Johns retail park, Priory Way, Taunton

38/13/0267 - Variation of condition no. 24 of application 38/98/0441 to allow for occupation of the vacant units by Go Outdoors, a camping and leisure goods retailer at units 2 and 3 St Johns retail park, Priory Way, Taunton

E/0006/38/15 – Breach of planning condition restricting clothing sales to 20% of retail space.

## **RELEVANT PLANNING POLICES**

National Planning Policy Framework

Para 207 – Enforcement

CP2 - TD CORE STRATEGY - ECONOMY,

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The primary issue relating to this breach of planning control is the planning assessment that led to the imposition of the condition restricting clothing and footwear to 20%.

In considering the planning application to vary the condition and allow Go Outdoors onto the site the planning officer stated the following:

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

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

*It is acknowledged that the business model of Go Outdoors is atypical in that they require a very large area to display some of their goods. The large display areas required mean that Go Outdoors find it difficult to source suitable units to accommodate within town centres. The retail statement submitted with the application goes through the sequential approach in considering the availability of sequentially preferable sites within the town centre. It is considered that although the regeneration of Taunton town centre would facilitate provision of new retail areas there are currently no suitable sites available which meet the size requirements of Go Outdoors. A view*

*needs to be taken whether any new sites would come forward within a reasonable timeframe that would suit the needs of the applicant. It is also appropriate to consider whether there is scope for flexibility in the format and/or scale of the proposal and what contribution more central sites are able to make, either individually or collectively, to meet the same requirements as the application is intended to meet.*

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

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

The assessment of the planning application was centred on strictly limiting the amount of floor space that would be devoted to clothing and footwear.

The noncompliance with the condition in question undermines the basis upon which permission was given. The breach of planning control is contrary to the plan policies and it is considered that the need for enforcement action exists.

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

**PLANNING OFFICER:**

**PLANNING ENFORCEMENT OFFICER: Christopher Horan**

**CONTACT OFFICER: Christopher Horan, Telephone 01823 356479**

36/15/0009

MR & MRS G TURTON

**DEMOLITION OF DWELLING AND ERECTION OF REPLACEMENT DWELLING WITH GARAGE / WORKSHOP BUILDING AT DAWNLEA, GRIGGS HILL, STOKE ROAD, STOKE ST GREGORY**

Location: DAWNLEA, GRIGGS HILL, STOKE ROAD, STOKE ST GREGORY,  
TAUNTON, TA3 6JG

Grid Reference: 334461.12747

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) DrNo 5045\_01 Location Plan  
(A3) DrNo 5045\_02 Existing Site Plan  
(A1) DrNo 5045\_03 Existing Dwelling to be Demolished  
(A1) DrNo 5045\_04 New Replacement Dwelling  
(A3) DrNo 5045\_05 Replacement Garage / Workshop  
(A3) DrNo 5045\_06 Proposed Site Plan  
(A3) DrNo 5045\_07 Proposed Replacement Dwelling, Dawnlea, Griggs Hill, Stoke St Gregory

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

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

as otherwise extended with the agreement in writing of the Local Planning Authority.

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

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

4. 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 a specialist **consultants** report, and include:

- A further bat emergence survey and a further badger survey to ascertain the usage of the site by bats and badgers. They shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances;
- 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 any resting places and agreed accesses for the relevant **species** 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.

Reason: To protect and accommodate **wildlife** and their habitats.

5. No removal or cutting back of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance

with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (“the 2015 Order”) (or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A, B & C of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

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

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

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

#### PROPOSAL

Planning permission is sought to demolish the existing two bedroom chalet bungalow and replace it with a four bedroom chalet bungalow. The dwelling will be rectangular in shape with dormer windows to the front and, roof lights to the rear and first floor balcony doors to the side (south) elevation. The walls will be finished in render with a brick plinth and chimney. The dwelling will scale 12.2m x 9.7m with a ridge height of 6.5m.

The application is before Members as the Agent is related to a member of staff.

## **SITE DESCRIPTION AND HISTORY**

The dwelling comprises a detached bungalow (14.5m x 8.2m min) with one low-level dormer window on the front elevation. The property has previously been extended to the side and there are stables and a garage within the curtilage. Access to the site is off a steep drive with poor visibility on to the road. The dwelling is sited significantly above road level on land which may have been built up at some stage. The site slopes down to the south.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*STOKE ST GREGORY PARISH COUNCIL* - support application;  
The new structures will have minimal visual impact. The existing dwelling has been convincingly shown to be unsound and in need of demolition.

*BIODIVERSITY* - Comments as follows:

Jh Ecology carried out a Protected Species Survey dated October 2014.

The site is approximately 800m east of Curry & Hay Moors SSSI and the Somerset Levels and Moors SPA & Ramsar and approximately 1.5km west of West Sedgemoor SSSI

Findings of the report are as follows:

### Badger

The surveyor found evidence of badger on site

### Bats

The surveyor found a light scattering of old bat droppings likely to be from pipistrelle bats. Potential bat access points on the bungalow were limited to gaps beneath the lead flashing of the dormer, a gap at the hip and where the slates overlay the flat roofed extension. The garage lacked suitable features for bats. No bats were seen to emerge from the bungalow during either dusk emergence surveys. Bats were noted generally foraging and commuting over the site. A single walnut tree on site was noted as having potential for bats. I support the recommendation to carry out

at least one more bat survey on site to ascertain if the bungalow is a roosting site or whether the droppings are from an individual bat trying out the building.

### Birds

Hedgerows, shrubs and trees provide potential for foraging and nesting birds.

### Reptiles

Habitat for reptiles is generally limited to the boundary hedgerows. If the management of the grass on site ceased then the site would become more attractive for reptiles.

I agree with findings of the summary so suggest the following conditions

### Condition

The applicant shall provide evidence that all the recommendations made in Jh Ecology's Protected Species Survey report dated October 2014 have been undertaken

Reason: to protect and accommodate wildlife

### Condition for submission of a further bat and badger survey

The development hereby permitted shall not be commenced (including any demolition) until a bat emergence survey report and a further badger survey has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall ascertain the usage of the site by bats and badgers. They shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances.

Reason To ascertain accurate and up to date usage of the site by bats and badgers

### Condition for nesting birds

No removal or cutting back of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000,

### Informative Note

1. 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. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)

## **Representations**

None.

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £10,950.00

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

Section 5 of Policy DM2 of the Core Strategy supports replacement dwellings only if;

- the existing residential use has not been abandoned
- it is un-economic to bring the dwelling to an acceptable state of repair
- it is a one for one replacement
- it is not substantially larger than the existing dwelling.

The proposal is for a one for one replacement and, although not currently occupied, the residential use has not been abandoned. Observations of the building internally and externally during a site visit confirm that the building is in a poor state of repair with cracks on the internal and external walls and large areas of damp. The application is accompanied by a Structural report which concludes that the existing building is structurally inadequate and needs replacing in its entirety. It would not be a viable option to repair and refurbish the dwelling to make it structurally safe.

The footprint of the existing dwelling is approximately 126 square meters. The proposed dwelling will have a footprint of approximately 116 square meters. The proposed dwelling will therefore have a smaller footprint than the existing dwelling. However, due to the addition of a first floor there will be an overall increase in floorspace in the proposed dwelling. It is not considered that the proposed dwelling will be substantially larger than the existing dwelling.

Whilst incorporating a first floor within the roof space, the overall height of the building has been kept down and the design respects the traditional vernacular of the locality. Due to previous concrete underpinning of the existing building the

proposed dwelling needs to be positioned so that the foundations are away from this. The front elevation of the proposed dwelling will be positioned approximately 4 meters south of the existing front elevation.

The garage will replace the existing garage and have one third enclosed and two thirds open fronted to the south elevation. The existing access and drive is to be retained.

The proposed dwelling and garage are not considered to detract from the visual amenities of the area. The nearby properties will not be affected by the proposal. The Ecological report submitted with the application made recommendations in respect to Protected Species. Suitable conditions are required to ensure further surveys and adequate protective measures are undertaken. A tree survey indicates that no trees will need to be removed.

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

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

**APPEAL DECISIONS FOR COMMITTEE AGENDA – 25 JUNE 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/W/15/3003878	PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM AGRICULTURAL BUILDING TO DWELLING HOUSE (USE CLASS C3) ON LAND EAST OF FERNICAPS FARM, WIVELISCOMBE	The proposed location lies in a rural location, remote from services and facilities on an extremely limited bus route and, consequently heavily reliant on the use of the private car. The proposal would not therefore reduce the need to travel by private vehicle and would increase greenhouse gas emissions and as such, would not deliver sustainable development. The proposal would instead result in a residential use in an unsustainable and consequently undesirable location, contrary to the sustainability aims of the NPPF.	49/14/0052	Refer to letter on scanned images.
APP/D3315/W/15/3003156	CHANGE OF USE OF LAND FROM PLANTED BELT TO GARDEN WITHIN DOMESTIC CURTILAGE AND ERECTION OF FENCE TO THE SIDE OF 19	The change of use of the land and to domestic curtilage erodes the landscaping bund and will therefore reduce the screening and diminish the wildlife value. It is therefore contrary to Policies CP8 and DM1 of the Taunton Deane	53/14/0007	Refer to letter on scanned images

	MANNING ROAD, COTFORD ST LUKE (RETENTION OF WORKS ALREADY UNDERTAKEN)	Core Strategy.		
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## Planning Committee – 24 June 2015

Present: - Councillor Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors M Adkins, Brown, Gage, Hill, Martin-Scott, Morrell,  
Mrs Reed, Townsend, Watson, and Wren

Officers: - 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: Councillor Hall for application No. 38/15/0026, Councillor D Durdan for application Nos 14/15/0016 and 14/15/0008. Councillor Habgood and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### 63. Apologies

Councillors Mrs Floyd, Nicholls and Wedderkopp

### 64. Minutes

The minutes of the meeting of the Planning Committee held on 27 May 2015 were taken and read and were signed.

### 65. Declarations of Interest

Councillors M Adkins and Coles declared personal interests as Members of Somerset County Council. Councillor Townsend declared personal interests as he was Vice-Chairman to Kingston St Mary Parish Council and Chairman to the Kingston St Mary Village Hall Association. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillors Coles, Townsend and Watson declared that they had received emails in respect of application No E/0006/38/15.

### 66. 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 development:-

**38/15/0026**

**Demolition of former nursery building, conversion of former Cafod building into 2 No. dwellings with erection of attached single dwellings**

**and alterations to car parking arrangements and associated works at Former Cafod building, St George's Church, The Mount, Taunton as amended**

**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:-
- (A0) DrNo 604/7634/4 Elevations;
  - (A2) DrNo 604/7634/2 Ground Floor Plan;
  - (A2) DrNo 604/7634/3 First Floor Plan;
  - (A2) DrNo 604/7634/1 Site Plan;
  - (A4) Location Plan;
  - (A2) DrNo 1456/P01D Proposed Site Plan;
  - (A2) DrNo 1456/BP02C Revised Block Plan;
  - (A2) DrNo 1456/P02B Proposed Ground Floor Plan;
  - (A2) DrNo 1456/P03B Proposed First Floor Plan;
  - (A2) DrNo 1456/P04B Proposed Roof Plan;
  - (A2) DrNo 1456/P05B Proposed South East Elevation;
  - (A2) DrNo 1456/P06B Proposed North West Elevation;
  - (A2) DrNo 1456/P07B Proposed Dwelling Elevations;
  - (A2) DrNo 1456/P08A South West Elevation;
- (c) No new wall construction 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) The development hereby permitted shall not be commenced (including any demolition) until a dusk emergence survey report has been submitted to, and approved in writing by the Local Planning Authority. The survey shall ascertain the usage of the site by bats and shall be undertaken by an appropriately qualified person at an appropriate time of year (May to August) and use techniques and equipment appropriate to circumstances;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's Preliminary Bat Roost assessment, dated March 2015 and the up to date Bat emergence survey and 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 enhancement of places of rest for bats and nesting birds; Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (f) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no.BP02B for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear;
- (g) The windows in the upper floors of the north elevation of the new build dwelling and lower panes of the bedroom of unit 2 shall be glazed with obscure glass and limited opening or fixed 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;
- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 ('the 2015 Order') (or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes A to C of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (i) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development unless otherwise approved in writing by the Local Planning Authority; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (j) The design, materials and type of boundary treatment to be erected shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the development being occupied. The agreed boundary treatment shall be completed before the building(s) are occupied and thereafter maintained as such, unless otherwise agreed in writing by 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 had negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised about 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; (3) Applicant was advised about 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; (4) Applicant was advised about BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (5) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

**14/15/0016**

**Demolition of dwelling, garage and outbuildings and erection of 2 No detached dwellings each with detached garage and associated works at 16 Crown Lane, Creech Heathfield (amended scheme to 14/14/0060)**

(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) Location Plan;
- (A4) Existing Block Plan;
- (A4) Existing Site Plan;
- (A4) Proposed Block Plan;
- (A4) Proposed Site Plan;
- (A4) Proposed Floor plot 1 Plan;
- (A4) Proposed Elevations Plot 1 Plan;
- (A4) Proposed Floor Plot 2 Plan;
- (A4) Proposed Elevations Plot 2 Plan;
- (A4) Garage Floor & Elevations Plot 1 Plan;
- (A4) Garage floor & elevations Plot 2 Plan;
- (A4) Existing Dwelling Elevations;

(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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A, B, C & E of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (e) The area allocated for parking and turning 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 and turning of vehicles in connection with the development hereby permitted;
- (f) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (g) No site clearance works or vegetation removal shall take place between 1 March and 31 July inclusive without the prior written approval of the Local Planning Authority;
- (h) 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 a specialist consultant's report, and include:-
- A further bat activity survey to ascertain the usage of the site by bats. It shall be undertaken by an appropriately qualified person between May-October and use techniques and equipment appropriate to the circumstances;
  - A reptile mitigation survey to ascertain the usage of the site by reptiles. It shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances;
  - 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 any resting places and agreed accesses for the relevant species 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;

(Notes to applicant:- (1) Applicant was advised that In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that the developer must agree a point of connection to the foul sewerage network with Wessex Water; (3) Applicant was advised that any proposed works must not encroach on to the width of the public right of way (PROW) to the west boundary of the site; The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC's Rights of Way Group:-

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:-

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained; (4) Applicant was advised that an open watercourse runs to the rear of the properties to the south of this site and any alterations to the watercourse will required Land Drainage Consent from Somerset County Council; (5) Applicant was advised that the proposed soakaways should be designed and constructed in accordance with Building Research Digest 365).

**36/15/0009**

**Demolition of dwelling and erection of replacement dwelling with garage/workshop building at Dawnlea, Griggs Hill, Stoke Road, Stoke St Gregory**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) DrNo 5045\_01 Location Plan;
  - (A3) DrNo 5045\_02 Existing Site Plan;
  - (A1) DrNo 5045\_03 Existing Dwelling to be Demolished;
  - (A1) DrNo 5045\_04 New Replacement Dwelling;
  - (A3) DrNo 5045\_05 Replacement Garage / Workshop;
  - (A3) DrNo 5045\_06 Proposed Site Plan;
  - (A3) DrNo 5045\_07 Proposed Replacement Dwelling, Dawnlea, Griggs Hill, Stoke St Gregory;
- (c) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (d) 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 a specialist consultant's report, and include:-
- A further bat emergence survey and a further badger survey to ascertain the usage of the site by bats and badgers. They shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances;
  - 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 any resting places and agreed accesses for the relevant species 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;

- (e) No removal or cutting back of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1 March and 31 August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest;
- (f) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (“the 2015 Order”) (or any Order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A, B and C of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

(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 with regard to WILDLIFE AND THE LAW, the protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation; BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Governments advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained).

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

**14/15/0008**

**Change of use of land for the siting of a mobile home on land adjoining North End Farm, North End, Creech St Michael**

**Reason**

The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves an appropriate need, such as the need for affordable homes. Whilst the site adjoins the settlement limit, it is not considered that there are no other suitable sites within the rural centre itself, or that the need cannot be met by the affordable homes currently under construction within the village, or other affordable dwellings soon to be constructed in the adjacent Parish. The scheme therefore represents an unjustified dwelling outside of settlement limits that would set an undesirable precedent for future development. As such, the proposal is contrary to Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

**67. E/0006/38/15 – Breach of planning condition restricting clothing sales to 20% of retail space, Go Outdoors, Units 2 and 3 St Johns Business Park, Priory Way Industrial Estate, Taunton**

Reported that it had come to the attention of the Council that the company Go Outdoors appeared to be in breach of condition 10 of planning permission 38/13/0267 in that the amount of floor space that was devoted to clothing and footwear was more than the 20% allowed.

A site inspection had taken place and discussions had been held with the occupier's agent over the means of calculating the division of floor space.

Two plans were subsequently submitted to the Council by the agent showing either 12% or 31% floor area (depending on the method of measurement employed) given over to clothing and footwear. However, in the opinion of the Area Planning Manager the level was currently well in excess of 30%.

It was acknowledged that the method of interpreting the floor area was not clear, however officers were satisfied that a breach existed and the occupiers had therefore been instructed to reduce the amount of floor space to comply with the 20% level.

In the circumstances, the Committee had been recommended to authorise the service of an enforcement notice to ensure condition 10 of planning permission 38/13/0267 was complied with.

Noted that the company had very recently submitted a further planning application (Ref 38/15/0241) to vary the original condition to allow 25% of the net floor space to be used for the sale of clothing and footwear.

**Resolved that:-**

- (1) The proposed enforcement action be held in abeyance until application 38/15/0241 had been determined;
- (2) In the event that application 38/15/0241 was refused, the Solicitor to the Council be authorised to serve an enforcement notice requiring:-
  - (a) The cessation of the breach of condition 10 of planning permission 38/13/0267 which restricted more than 20% of the internal net floor area of the store known as Go Outdoors, Units 2 and 3 St Johns Business Park, Priory Way Industrial Estate, Taunton to be used for the sale of clothing and footwear; and
  - (b) The removal of clothing and footwear in excess of the permitted 20% from the net floor area of the retail store;
- (3) Any enforcement notice served should have a compliance period on one month; and
- (4) 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.

## **69. Appeals**

Reported that two appeals were received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 6.55 p.m.)