

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 February 2016 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 12 November, 25 November, 9 December 2015 (attached). 6 January, 27 January 2016 (to follow)
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 25/15/0034 Erection of a two storey extension to the south elevation and a conservatory to the north elevation of house of St Martins, Langford Lane, Norton Fitzwarren.
- 6 06/15/0023 Erection of 15 No. dwellings with associated car parking, landscaping and drainage infrastructure on land at Station Farm, Station Road, Bishops Lydeard.
- 7 23/15/0031 Reinstatement and widening of an agricultural access with closure of the existing principal access on land to the north of the B3187 at Milverton (E311748 N126370) (retention of works already undertaken).
- 8 24/15/0054 Replacement of boundary wall at Jarveys Cottage, 16 Stoke Road, North Curry (retention of works already undertaken).
- 9 45/15/0014A Display of 3 No. non-illuminated directional signs at Lower Tolland's, New Road, West Bagborough.
- 10 45/15/0017 Change of use of land to mixed agricultural/tourism use with siting of 4 No. shepherd huts and associated facilities with erection of building for mixed agricultural / tourism use on land to the west of Tilbury Farm, West Bagborough Road, West Bagborough.

- 11 49/15/0044 Change of use from builder's yard to residential and erection of eight semi-detached dwellings with associated access road and parking at Stacey's Yard, Mill Lane, Wiveliscombe.
- 12 E/0164/06/15 Alleged untidy site at HW Back and Son LTD, Old Vicarage Lane, Bishops Lydeard.
- 13 E/0196/10/15 Unauthorised siting of mobile home and change of use of stable to residential occupation at Fairfield Stables, Moor Lane, Churchinford.
- 14 22/15/0014 Erection of first floor extension at 10 Nethercott Way, Lydeard St Lawrence.
- 15 Latest Appeals and Decisions received.

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 16 E/0154/24/12 Untidy site at 12 Town Close, North Curry.

Bruce Lang  
Assistant Chief Executive

05 April 2016

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 – 12 November 2015**

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

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal  
Planning Officer), Roy Pinney (Legal Services Manager) and Tracey  
Meadows (Democratic Services Officer)

Also present: Matthew Hill (Scientific Officer), Councillors D Durdan and Miss  
Durdan in connection with application No. 14/15/0020 and  
Mrs A Elder, Chairman of the Standards Advisory Committee

(The meeting commenced at 5.00 pm)

### **106. Apologies**

Councillors Gage and Mrs Reed

### **107. Public Question Time**

Councillor Coles reported that the wording regarding the deferral of the Comeytrove/Trull planning application 42/14/0069, Minute No.104 on the 4 November 2015 was not a full and proper reflection of the reasons given and accepted by the Planning Committee. He stated that Members had been concerned that the applicant had not complied with Taunton Deane Borough Council's Policy SS7 and that without reference to a broader picture of the effect of such a large development it would require further Master Planning around the issues raised. There was likely to be traffic impact particularly on the A38 Wellington Road and the Honiton Road at Compass Hill with the attendant air quality and pollution. The lack of provision of suitable school places without necessitating journeys through town at peak traffic flow times and a lack of sufficient flooding mitigating were also matters of concern. This all needed a broader holistic approach to understanding and mitigating the cumulative effects of a major development of this kind. It was the wish of the Planning Committee that meaningful consultations should take place with all the interested parties - including the developers, Somerset County Council's Highways and Education Departments, the Environment Agency, Taunton Deane Borough Council and Trull/Comeytrove Parish Councils along with the Comeytrove Residents Action Group (CRAG), to seek solutions to these issues.

In response, the Legal Services Manager stated that Policy SS7 provided a great deal of reassurance to most of the points mentioned by Councillor Coles. The points relating to traffic and education needed to be directed to Somerset County Council.

### **108. Declarations of Interest**

Councillors M Adkins, Coles and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Townsend declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association. Councillor Nicholls declared personal interests as a Member of Comeytrowe Parish Council and a Member of the Fire Brigade Union. Councillor Martin-Scott declared personal interests as a trustee to the Home Service Furniture Trust, trustee to Bishop Fox's Educational Foundation and a trustee to Trull Memorial Hall. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. All Members declared that they had received correspondence from the objectors for item No. 14/15/0020. Councillor Bowrah declared that he had spoken to an objector in connection with application No. 14/15/0020. He declared that he had not 'fettered his discretion'

### **109. Applications for Planning Permission**

The Committee received the report of the Area Planning Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **outline planning permission be granted** for the under-mentioned developments:-

#### **49/15/0037**

**Outline planning application with some matters reserved for the repositioning of the vehicular and pedestrian access with alterations to driveway for the erection of 2 No. dwellings on land at Tor House, 48 Ford Road, Wiveliscombe**

#### **Conditions**

- (a) Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced; Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A1) DrNo 2406.08 Site Layout and Access as Proposed;
  - (A1) DrNo 2406.09 Access Plan and Elevations Existing and Proposed;

- (A1) DrNo 2406.10 Turning Head Area Existing and Proposed;
- (A4) DrNo 2406.11 Location Plan for Outline Planning Application;

- (c) No dwelling hereby permitted shall be occupied until the means of vehicular access to the site has been constructed in its entirety in accordance with the plans hereby approved;
- (d) Before any dwelling hereby permitted is first occupied, the visibility splays shown on approved plan DrNo 2406.08 and 2406.09 shall be fully constructed before any dwelling hereby permitted is first occupied. Thereafter the visibility splays shall remain unobstructed above a height of 900mm adjoining the carriageway level to the satisfaction of the Local Planning Authority;
- (e) Details of the relative heights of the existing and proposed ground levels and the height of the ground floor of the proposed dwellings shall be submitted as part of the reserved matters application, as required by Condition (a) and the development shall be carried out wholly in accordance with the approved plans;
- (f) Prior to implementation, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed boundary treatments shall be completed before the dwellings are first occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

- (2) That **Planning permission be granted** for the undermentioned developments:-

**16/15/0003**

**Conversion from store/workshop to stable incorporating raising of the eaves and roof ridge plus addition of canopy to the west elevation, construction of a manege to the south at Kinleigh, Frog Lane, Durston**

**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 plan:-

- (A3) DrNo 0615/278/010 Proposed Stable Plan;
- (A3) DrNo 0615/278/0011 Proposed Stable Elevations;
- (A3) DrNo 0615\_278\_020 Proposed Manege Plan;
- (A3) DrNo 0615\_278\_021 Proposed Manege Elevations;
- (A2) DrNo 0615\_278\_022 Proposed Block Plan;
- (A4) DrNo 0615\_278\_023 Proposed Location Plan;
- (A3) DrNo 0615\_278\_030 Proposed Manege Construction;

(c) The use of the manege and stables hereby permitted shall be limited to private use only and shall not be used for any business or commercial use.

(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 conditions.)

#### **49/15/0038/LB**

**Formation of repositioned vehicular access from Ford Road, new driveway within site including associated new walls and alterations to existing walls at Tor House, 48 Ford Road, Wiveliscombe**

#### **Condition**

- (a) The work for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) 2406.08 LB Site Layout and Access As Proposed;
  - (A1) 2406.09 Access Plan And Elevations Existing And Proposed;
  - (A1) 2406.10 Turning Head Area Existing And Proposed;
  - (A3) 2406.12 Location Plan For Listed Building Application;
- (c) Only those materials specified in the application and identified on the approved plans shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) No development, excluding site works, shall begin until a panel of the proposed stonework for the walls to be erected in accordance with the approved plans and measuring at least 1 m x 1 m has been built on the site. Both the materials and the colour and type of mortar for pointing used within the panel shall be agreed in writing by the Local Planning Authority prior to application and the development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

**38/15/0375**

**Conversion of roof space at 56 Mountfields Road, Taunton**

**Condition**

- (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 plan:-
  - (A1) DrNo J134/03 Survey and Proposal Drawing;
- (c) The window(s) in the side (west) elevation shall be glazed with obscure glass to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission;

(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 has granted planning permission.)

**38/15/0394**

**Erection of two storey extension to the side and rear of dwelling and formation of vehicle hardstanding/vehicle crossing at 11 Belmont Road, Taunton**

**Condition**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A2) DrNo J118/02B Proposed Plans and Elevations;
  - (A3) DrNo J118/01 Existing Ground and First Floor Plan, Existing S,E and N Elevation Location Plan;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no window/dormer windows shall be installed in the west or east elevation of

the development hereby permitted without the further grant of planning permission.

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

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

**14/15/0020**

**Change of use from storage and distribution (Use Class B1/B8) to general industrial (Use Class B2) for wood processing and storage at Walford Cross Units, Walford Cross, Taunton**

### **Reasons**

Insufficient information has been submitted to demonstrate that the proposal would not lead to an unacceptable adverse impact to the amenities of neighbouring residents by reason of the likelihood of noise and dust nuisance and air pollution; or that the potential impacts can be satisfactorily monitored, contrary to Policy DM1 (e) of the Taunton Deane Core Strategy.

## **110. Proposed changes to the Constitution – Amendments to recommendations at Planning Committee**

Following recent meetings of the Planning Committee, officers had been considering possible changes to the procedures under which Members of the Committee consider applications for planning permission, as set out in Part 4 of the Council's Constitution (Rules of Procedure).

At present, Part 4 paragraph 6 limited the range of potential amendments to substantive motions which might be proposed at Planning Committee. In particular, paragraph 6 stated that amendments as proposed "*shall not have the effect of introducing a significantly different proposal or of negating the motion*".

Although the current arrangements within the Council's Constitution operated well at Full Council and at most of the Council's Committees it was arguable that they did not align satisfactorily with the decision making process under which the Planning Committee determined applications for planning permission.

Specifically, paragraph 6 prevented Members from proposing that an application be refused where the officer recommendation was that planning permission should be granted.

On at least four recent occasions, Members – having voted down the recommendation to grant permission – were placed in a position where they then had to identify reasons which would support the refusal to which they had effectively already committed themselves.

This had the effect of depriving the Committee of the opportunity to discuss in detail potential reasons for refusal of the application – and if necessary obtain officers' advice on the issues – prior to the point at which Members had still to reach an overall view on the application.

It was therefore considered that such difficulties could be avoided in future by a straightforward amendment to paragraph 6 of the Rules of Procedure, insofar as it applied to the Planning Committee.

The effect of the proposed change would be to allow Members to propose a determination of any application in a manner contrary to the officer recommendation, subject to (a) any proposal being seconded and (b) the Member/s making the proposal indicating possible planning reasons for the proposal at the time that their proposal is made.

If the support of the Planning Committee was obtained, the matter would be reported to the Constitutional Sub-Committee and thereafter to Full Council on 15 December 2015.

**Resolved** that the proposed amendment to the Constitution set out in the report be approved.

## **111. Appeals**

Reported that two new appeals and two appeal decisions had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.40 p.m.)

## **Planning Committee – 25 November 2015**

Present: - Councillor Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Brown, Cavill, Mrs Floyd, C Hill, Horsley, Martin-Scott,  
Morrell, Mrs Reed, Ryan, Townsend, Mrs Webber and Wedderkopp

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal  
Planning Officer), John Burton (Principal Planning Officer),  
Julie Moore (Monkton Heathfield Project Team Leader), Roy Pinney  
(Legal Services Manager) Maria Casey (Planning and Litigation  
Solicitor) and Tracey Meadows (Democratic Services Officer)

Also present: Matthew Hill (Scientific Officer), Councillor Federica Smith in  
connection with application No. 38/15/0374 and Mrs A Elder,  
Chairman of the Standards Advisory Committee

(The meeting commenced at 5.00 pm)

### **112. Apologies/ Substitutions**

Apologies: Councillors M Adkins, Gage, Nicholls and Wren

Substitutions: Councillor Cavill for Councillor Wren;  
Councillor Horsley for Councillor Nicholls;  
Councillor Ryan for Councillor M Adkins; and  
Councillor Mrs Webber for Councillor Watson.

### **113. Minutes**

The minutes of the Planning Committee held on the 4 November 2015 were  
taken read and were signed.

### **114. Declarations of Interest**

Councillors Coles and Wedderkopp declared personal interests as Members  
of Somerset County Council. Councillor Townsend declared personal  
interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman  
of the Kingston St Mary Village Hall Association. Councillor Martin-Scott  
declared personal interests as a trustee to the Home Service Furniture Trust,  
trustee to Bishop Foxes Educational Foundation and a trustee to Trull  
Memorial Hall. All Councillors declared that they had received emails and  
photographs from the residents of Britons Ash in respect of application No.  
48/15/0027. Also declared that they had received emails and correspondence  
for application No. 02/15/0006 and application No. 38/15/0374. Councillor  
Cavill declared that he was a Member of West Monkton Parish Council.  
Councillor Webber declared that she was the Ward Councillor for West  
Monkton.

### **115. 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 **the detailed plans be approved** for the under-mentioned developments:-

**53/15/0009**

**Application for approval of reserved matters following outline approval (53/12/0008) in respect of appearance, landscaping, layout and scale for the redevelopment of site and the erection of 28 No affordable dwellings with associated works at Orchard Lodge, Dene Road, Cotford St Luke**

**Conditions**

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

- (A1) DrNo 14057/003 Rev E Proposed Site Layout Block Plan;
- (A1) DrNo 14057/005 Rev G Proposed Site Sections/Site Elevations;
- (A1) DrNo 14057/007 Rev D Proposed Block Elevations;
- (A1) DrNo 14057/008 Rev C Proposed Block Elevations;
- (A1) DrNo 14057/015 Rev A Typical House Layouts, Terraced Houses;
- (A1) DrNo 14057/016 Rev A Typical House Layouts, Flats & Semi-detached houses;
- (A3) DrNo 14057/020 Rev A Typical Canopy Details Type A;
- (A3) DrNo 14057/021 Rev A Typical Canopy Details Type B;
- (A3) DrNo 14057/023 Rev A Typical Bin Store Details;
- (A3) DrNo 14057/024 Rev A Typical Bin Store Details Elevations;

- (b) Prior to their installation, full details of the proposed hard surfacing including to the roads, footways, parking areas, demarcation of parking areas, and shared surfaces shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such;

- (c) (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;

- (d) The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;

The proposed roads, including footpaths and turning spaces shall be finished in complete accordance with the details approved pursuant to this condition prior to the occupation of the 25th dwelling hereby permitted and shall thereafter be maintained as such;

- (e) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the first floor bathroom window in the south elevation of plot 28 shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (f) Prior to the occupation of each of plots 10-28, bin storage facilities shall be provided in accordance with details indicated on drawings 14057/023 rev A and 14057/024 rev A for the plot to which it relates and shall thereafter be maintained as such;
- (g) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

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

**02/15/0006**

**Construction of Solar Farm for up to 5MW of generating capacity comprising of installation of solar photovoltaic panels and associated infrastructure including transformer cabins, sub-station buildings, access tracks, fencing and CCTV on land at Pixford Fruit Farm, Raleighs Cross Road, Combe Florey**

**Reason**

The proposed development, by reason of its size and form would introduce an alien feature into a rural landscape. By reason of the location of the site and its open nature, it is considered that no amount of new landscaping could adequately assimilate the development into the rural landscape, contrary to policy CP1 of the Taunton Deane Core Strategy.

**38/15/0374**

**Change of use from office space to car dealership with servicing facility for Vospers Motorhouse at Goodwood House, Blackbrook Park Avenue, Taunton**

**Reason**

Blackbrook Business Park is a highly prestigious business park and Taunton's premier office location. The proposed development would introduce a use that does not complement the existing uses on the business park detracting significantly from the high quality office environment of the park and may set an undesirable precedent that over time would see Somerset's prestigious Business Park being reduced to a trading estate. Such would reduce the high quality of the park and in turn substantially harm the contribution that it makes to the local economy in the future.

- 116. Application for approval of reserved matters following outline application 48/05/0072 for the erection of a 420 place primary school, incorporating a nursery facility with associated landscaping, access and parking and community facilities on land east of Bridgwater Road, Monkton Heathfield (48/15/0027)**

Reported this application.

**Resolved** that subject to the alteration in the hours of operation in proposed Condition (n) from 21:00 to 18:00 and the receipt of no further representations raising new issues by 4 December 2015, the Assistant Director for

Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the detailed plan were approved, the following conditions be imposed:-

### Conditions

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

- (A3) DrNo AP(00)01 Site Location Plans;
  - (A1) DrNo AP(00)02 Rev D Site Location Plan;
  - (A1) DrNo AP(00)03 Ground Floor Plan;
  - (A1) DrNo AP(00)04 Elevations Sheet 1/2;
  - (A1) DrNo AP(00)05 Elevations Sheet 2/2;
  - (A1) DrNo AP(00)06 Perspectives;
  - (A1) DrNo AP(00)07 Sections;
  - (A1) DrNo AP(00)20 Rev A Site Sections;
  - (A1) DrNo 30814\_LP(00)02 Rev L Proposed Landscape Plan;
  - (A1) DrNo 30814\_LP(90)003 Rev F Boundary Treatment Plan;
  - (A1) DrNo 30814\_LP(00)06 Rev C Landscape Materials Plan
  - (A1) DrNo 30814\_LP(00)07 Rev C Landscape Materials Plan 2/2;
- Planting Schedule 30814\_Y(90)\_01\_P2;
- (A1) DrNo C-02 Rev P6 Drainage Strategy 2/2;
  - (A1) DrNo C-01 Rev P6 Drainage Strategy 1/2;
  - (A1) DrNo 30814\_LP(00)008 Rev A Sprinkler Tank and Bin Store Enclosure;

(b) No commencement of use of the primary school hereby permitted shall take place until full details of traffic calming measures along the A38, to the west of the school frontage are submitted to, and approved in writing by, the Local Planning Authority and fully constructed on site in strict accordance with the approved details;

(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) 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;

- (e) Within two months of the date of this permission full details of the proposed footpath cycle link lying at the north of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include proposed route and construction of the path, lighting, landscaping and boundary treatments (In particular the wall boundary treatment adjacent to 154A Bridgwater Road). Prior to the commencement in the use of the primary school the approved footpath/cycleway, including all boundary treatments, shall be provided in strict accordance with the approved details and shall thereafter be maintained as such;
- (f) There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times;
- (g) The area allocated for turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only;
- (i) Prior to the commencement of use, a School Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan shall include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There shall be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures shall continue to be implemented as long as any part of the development is occupied;
- (j) Notwithstanding the provisions of the Use Classes Order 19987 (as amended) the community facilities shall be available for use by the general public and at no time shall be used solely for education purposes in connection with the adjacent primary school;
- (k) Prior to the commencement of the use of the building hereby permitted the agreed drainage strategy shall be fully implemented and operational and shall thereafter be maintained as such;
- (l) Prior to the commencement of the use of the primary school hereby permitted the details of the proposed boundary fencing around the site (in

particular the acoustic fencing proposed along the boundary with Brittons Ash and the mechanism for restricting access to the land between the new fence and the existing boundary fences of the rear gardens of Brittons Ash) shall be submitted to, approved in writing by, the Local Planning Authority and erected on site in strict accordance with the approved details and shall thereafter be maintained as such;

(m) No external lighting shall be provided on the site until full details of all such external lighting has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the location and type of lighting and its hours of illumination. No other lighting shall be installed without the prior approval of the Local Planning Authority;

(n) The land to the rear of the primary school, including the playing field and sports pitches, shall not be used between the hours of 18:00 and 08:00 at any time.

(Note to applicant:- Applicant was advised that the developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontage's affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the granting of planning consent and prior to the commencement of said highway works, especially if the design has evolved through the technical process. This is not the responsibility of the Highway Authority.)

**117. E/0035/14/15 – Alleged unauthorised B2 (wood chipping) business use of former B1/B8 industrial unit at Langdon Industries, Walford Cross, Taunton**

Reported that complaints had been received regarding noise, dust and smoke from a former B1/B2 industrial Unit at Walford Cross, Taunton. Initial investigations had revealed that the owner proposed to use the site for wood chipping, packaging and distribution. As a result the owner was advised that he needed to apply for planning permission as the intended use was a change of the authorised use of the premises.

A subsequent site visit in June 2015 had identified that the site was being used for the drying, packing and distribution of wood chip. It was also noted that, a new flue had been erected on the roof and large dryers had been installed in the yard all without planning consent.

Reported that a planning application had been received relating to the change of use of the premises, but this had been refused by the Planning Committee at its meeting on 12 November 2015.

**Resolved** that:-

- (1) An enforcement notice be served requiring (a) the cessation of use of the site for wood processing and associated storage; and (b) the removal of all equipment and materials associated with the unauthorised use from the site at Langdon Industries, Walford Cross, Taunton;
- (2) Any enforcement notice served should have a one month compliance period for (a) above and a two month compliance period for (b);
- (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.

#### **118. Appeals**

Reported that one appeal had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 10.05pm)

## **Planning Committee – 9 December 2015**

Present: - Councillor Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Adkins, M Adkins, Brown, Mrs Floyd, Gage, C Hill,  
Morrell, Nicholls, Mrs Reed, Townsend, Watson, Ms Webber and  
Wedderkopp

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal  
Planning Officer), Julie Moore (Monkton Heathfield Project Team  
Leader), Maria Casey (Planning and Litigation Solicitor) and Tracey  
Meadows (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Advisory Committee

(The meeting commenced at 5.00 pm)

### **119. Apologies/ Substitutions**

Apologies: Councillors Martin-Scott and Wren

Substitutions: Councillor Mrs Adkins for Councillor Martin-Scott;  
Councillor Ms Webber for Councillor Wren

### **120. Declarations of Interest**

Councillors Coles and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Townsend declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association. Councillor Nicholls declared a personal interest as a Member of the Fire Brigade Union. Councillor Ms Webber declared that she was one of the the Ward Councillors for the West Monkton Ward. Councillor Bowrah declared that he was the Deputy Mayor of Wellington and a Member of Wellington Town Council. Councillor Coles declared that as he was a Member of the Somerset County Cricket Club he had a prejudicial interest. He left the room during the consideration of application No. 38/15/0424. Councillor Brown declared that he knew a member of the public in respect of application No. 38/15/0424. Councillor Mrs Reed declared that she had 'fettered her discretion' on application No. 08/15/0012 and therefore took no part in the consideration of the application. Councillor Gage declared a personal and prejudicial interest for application No. 08/15/0012. He left the room during the consideration of the application.

### **121. 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:-

**47/15/0002**

**Erection of a Scout Hall with toilet facilities with link to Chapel, use of Chapel for scouting (D2 use) and replacement of lean to extension with the erection of a single storey extension to the rear of West Hatch Chapel, Slough Green, West Hatch**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) DrNo Site Location Plan;
  - (A3) DrNo WH/08 Site Location Plan;
  - (A3) DrNo WHN/01A Proposed Site Plan;
  - (A3) DrNo WH/03 Proposed Chapel Floor Plan;
  - (A3) DrNo WH/04 Proposed Chapel Elevations;
  - (A2) DrNo WH/05 Proposed New Hall Floor Plan;
  - (A3) DrNo WH/06 Proposed New Hall Elevations;
  - (A3) DrNo WH/15 Entrance Elevations;
- (c) Prior to work commencing on the new building and extension hereby approved, samples of the materials to be used in the construction of the external surfaces shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) The landscaping/planting scheme shown on the submitted plan WHN/01 A 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;
- (e) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, details of which must first be submitted to, and approved in writing the Local Planning Authority. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;

- (f) The access shall be hard surfaced before it is brought into use. It shall be made of porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the site, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (g) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 3 m from the carriageway edge and hung so as to open inwards only;
- (h) The area allocated for parking on the submitted plan WHN/01 A 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;
- (i) The visibility splays shown on approved drawing WHN/01 A shall be fully provided before the use of the Scout Hall hereby permitted is first used and shall thereafter be maintained at all times;
- (j) Details of the means of foul and surface water disposal shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed prior to the use of the Scout Hall being implemented and shall thereafter be maintained as such;
- (k) The windows to be installed in the south elevation of the building shall be obscure glazed with restricted opening as shown on approved drawing WH/06 and shall not be modified thereafter without the prior written consent of 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 that new water supply connections would be required from Wessex Water.)

**38/15/0424**

**Erection of 5 No 54m high floodlight masts and 2 No substations placed around The County Ground, Somerset County Cricket Club, St James Street, Taunton**

### **Conditions**

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

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

- (A3) Dr No EKV0015 Western Power Distribution Sub Station Surround;
- (A3) Dr No 133410J (2) Musco Spill Lighting Calculations;
- (A3) Dr No 133410J (1) Musco Spill Lighting Calculations;
- (A3) Dr No 331 Floodlight Location C: Site Plan showing proposed changes to access steps & ground levels;
- (A1) Dr No 330 Rev B Site Plan Showing Mast Locations (A-E);
- (A4) Dr No LE15256-1B Floodlight mast and light detail;
- (A4) Dr No LE15256-2B Floodlight mast and light detail;

(c) No development 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;

(d) The floodlighting shall not be used between the hours of 23.00 and 10.00;

(e) The use of the lights hereby approved shall be limited to no more than 15 occasions in any cricket season and shall not be used more than two consecutive nights per week;

(f) The ecological enhancements and monitoring for bats specified in paragraphs 7.3 and 7.4 of the Clarkson and Woods Wildlife Impact Assessment dated October 2015 shall be carried out, once agreed in writing by the Local Planning Authority, prior to the lights being brought into use unless any variation thereto is agreed in writing by the Local Planning Authority;

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

**122. 38/15/0330**

**Change of use from dwelling (use class C3) to house in multiple occupancy (use class Sui Generis) at 24 Queen Street, Taunton**

Noted that this application had been **withdrawn**.

**123. Application for approval of reserved matters following outline application 08/10/0024 in respect of appearance, landscaping, layout and**

**scale for the erection of 260 no dwellings with associated works on land off Nerrols Drive, Taunton(08/15/0012)**

Reported this application.

**Resolved** that subject to the submission of an acceptable affordable housing scheme including details and the two bed wheelchair accessible unit, the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the detailed plan were approved, the following conditions be imposed:-

- (a) Notwithstanding the materials listed on the submitted plans, 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;
- (b) (i) The landscaping/planting scheme shown on the submitted plan for each phase shall be completely carried out within the first available planting season from the date of commencement of the development of that phase;  
(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;
- (c) The applicant shall undertake all the recommendations made in the Ecology Solutions Limited's Ecological Management Strategy for the Nerrols development dated September 2015 along with the scheme for mitigation of Impact on the Lesser Horseshoe Bat Mitigation Strategy produced by AMEC in February 2014, to discharge Condition 13 of the outline planning application, and the Landscape Strategy and Management plan submitted in respect of Condition 15 ( produced by Golby and Luck landscape architects); 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 provision and maintenance of the new bat roosts and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (d) No dwelling shall be occupied on the development hereby permitted until the off-site highway works have been submitted to, and approved in writing by, the Local Planning Authority. The said works shall then be fully

constructed in accordance with the approved plan, to an agreed specification before the first dwelling is occupied;

- (e) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance, in writing, by the Local Planning Authority and fully implemented prior to the commencement of works and thereafter maintained until the use of the site discontinues;
- (f) The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;
- (g) No part of the access drives for the dwellings hereby permitted shall be laid out at a gradient steeper than 1 in 10;
- (h) None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (i) There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;
- (j) Prior to the commencement of works on site, a drainage scheme for the highway drainage of the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;
- (k) There shall be an area of hard standing at least 6 m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type;
- (l) Notwithstanding the submitted details full details of the play equipment for the LEAP and NEAP and their layout on site shall be submitted to, and approved in writing by, the Local Planning Authority;
- (m) The open spaces hereby permitted shall be laid out in accordance with the submitted details. Once provided on site the open spaces shall be available and maintained for the use of the general public at all times;

- (n) 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 2 Class A of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (o) Prior to the commencement of construction works on site, details for the provision of a children' play area in the southern area of the application site (including the timetable for its delivery and maintenance schedule) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved children's play area shall thereafter be maintained in a safe and useable condition in accordance with the approved details;
- (p) Prior to commencement of development, details for the lighting of the car parking courtyards shall be submitted to, and approved in writing by the Local Planning Authority. Prior to the occupation of the units which the car parking units serve, the approved lighting shall be installed and thereafter maintained in accordance with the approved details.

(Notes to applicant:- (1) Applicant was reminded to check that all the relevant outline conditions are cleared prior to commencement of works on site; (2) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The developer should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council;

The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning consent and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.)

**124. E/0042/48/15 – Unauthorised B1/B8 Business use of agricultural land at Hyde Egg Farm, Hyde Lane, Bathpool**

Reported that a complaint had been received regarding a new business operation on land at Hyde Egg Farm, Hyde Lane, Bathpool. The business related to a double glazing and conservatory company that had established

their office and workshop in one of the buildings. The complaint also made reference to the use of other buildings for car repair and car breaking.

An inspection had revealed that a number of different commercial activities were being undertaken on different parts of the site which appeared to have been leased to a number of different parties both formally and informally.

The owner of the site had been advised to submit a planning application to regularise the current situation on site, but to date no application had been forthcoming.

**Resolved that:-**

- (1) An enforcement notice be served requiring (a) the cessation of use of the site for B1 Office, B8 Storage and Distribution and sui generis use as a showroom and car repair; and (b) the removal of all equipment and materials associated with the unauthorised uses from the site at the former Hyde Egg Farm, Hyde Lane, Bathpool, Taunton;
- (2) Any enforcement notice served should have a six month compliance period for (a) above and a six month compliance period for (b);
- (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.

**125. E/0120/43/15 – Unauthorised Dog breeding business, including erection of Kennels, at 18 Trinity Close, Wellington**

Reported that a number of complaints had been received regarding the erection of a kennel structure and the operation of a dog breeding business in the rear garden of 18 Trinity Close, Wellington.

An inspection had revealed that there were several dogs in the kennel and two running loose in the rear yard. Five litter boxes were found inside the dwelling that each held a bitch and a litter of puppies. In total 18 dogs and five litters of puppies had been noted at the property.

The Enforcement Officer had also noted that there was a strong odour present and also noise from the dogs was significant and could be heard some distance from the site.

It was considered that the use of the site had an unacceptable adverse impact to the amenities of the surrounding residential properties by reason of noise, odour and traffic.

**Resolved that:-**

- (1) An enforcement notice be served requiring (a) the cessation of use of the site for the breeding and sale of puppies and dogs; (b) the removal of the kennel structure located in the rear yard from the site; and (c) the removal of all equipment associated with the breeding and sale of dogs from the site at 18 Trinity Close, Wellington;
- (2) Any enforcement notice served should have a one month compliance period for (a) above and three month compliance periods for both (b) and (c);
- (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.

**126. E/0156/37/14 – Unauthorised change of signage at the Half Moon Inn, Stoke Road, Stoke St Mary**

Reported that a complaint had been received regarding the replacement signage at the Half Moon Inn, Stoke St Mary.

It was noted that a number of signs had been replaced on the property and an additional sign had been erected on the other gable of the building.

Reported that a retrospective application for advertisement consent had been submitted which had resulted in a split decision being issued - the replacement signs were approved but the additional sign on the gable was refused.

The owner of the site had been instructed to remove the unauthorised sign on a number of occasions, however to date no action had taken place with regard this sign.

- (1) **Resolved** that subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action in respect of the continued unauthorised display of a sign erected on the gable furthest from the road at the Half Moon Inn, Stoke Road, Stoke St Mary.

**127. Appeals**

Reported that two appeals had been lodged and two decisions had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.36 p.m.)

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors, Coles 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 Mary 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

25/15/0034

LANGLEY HOUSE TRUST

**ERECTION OF A TWO STOREY EXTENSION TO THE SOUTH ELEVATION AND A CONSERVATORY TO THE NORTH ELEVATION OF HOUSE OF ST MARTINS, LANGFORD LANE, NORTON FITZWARREN.**

Location: HOUSE OF ST MARTINS, LANGFORD LANE, NORTON  
FITZWARREN, TAUNTON, TA2 6NU

Grid Reference: 319824.126839 Full Planning Permission

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## **Update**

Members will recall this application from the 20<sup>th</sup> January, 2016, Planning Committee Meeting as Agenda item No. 6, where it was resolved to defer consideration of the application for the following reason:

“The application should be deferred pending clarification of the highway authority’s objection and, if necessary, an assessment of the likely traffic generation of the proposal compared to the existing; and the police be invited to make a comment on the application”.

### **Somerset County Council – Highways – further comments**

The further comments of Somerset County Council – Highways have been sought. The highway authority comments as follows:

“I am concerned about any impact on the junction however if it is possible to limit the use to a residential care home as described in your earlier email I would be happy to let this one go with a condition requiring details of car parking in accordance with standards to be submitted and approved. However if they wish to retain the possibility of further changes within the use class then I would like to see some assessment of the likely/possible impacts on the junction.”

The emailed comments referred to in the highway authority’s response read as follows:

“In my Report to Committee Members, I advised that Officers considered that there was no change of use involved, as the property already functioned as a residential care home (Use Class C2) and that as such the proposal did not involve any change of use.

The Town and Country Planning (Use Classes) Order 1987 (as amended) which is the Primary Use Class legislation, and which advises:

Class C2 Provides for:

“Provision of residential accommodation and care to people in need of care:

Hospital, Nursing home, Residential school, College, Training centre”.

Members noted the comments received from Somerset CC – Highways in that it had a specific concern regarding the sub-standard nature of the access from Langford Lane onto the A358, and traffic generation arising from the development. I should, therefore, be grateful to know if Somerset CC – Highways maintains its refusal recommendation regarding the operational development (extensions) proposed for the site and any issues in respect of traffic generation and the impact on the safety and free-flow of traffic onto and from the A358 junction with Langford Lane.

I have since contacted the applicant and have been advised that the Care Home generally caters for elderly ex-offenders and vulnerable people. It is not a Nursing Home, but does offer end of life care to those clients who require it. Overall, the development will provide 32 bedrooms, all for single occupancy.

As indicated in the Officer’s Report to Planning Committee, the number of employees will change as follows:

From: 10 Full-time, and 4 Part-time = 14

To: 12 Full-time, and 6 Part-time = 18

The Care Service provided is 24/7 and as such there is no staff sleeping accommodation due to the 24 hour nature of the Service.

The applicant advises that residents are not encouraged to have cars, and nor are they likely to have them. They are more likely to move around on mobility scooters, hence the relatively low-level of formal car parking provision.”

### **Avon and Somerset Police**

Comments from Avon and Somerset Police regarding the application have been sought. No comments had been received at the Report Drafting stage.

Officers have been advised that the Police Authority’s comments will be forwarded in time for the Planning Committee Meeting.

An update of these comments will be provided to Members at the Committee Meeting.

### **Third Party Representations**

Further representations have been received from two neighbours objecting to the application.

One objector points out that the bus stop is located on the Minehead side of the A358 road only, which is on the opposite side of its junction with Langford Lane. The objector points out that whilst the bus stop serves buses travelling in both directions, buses do not always stop when travelling in the direction from Minehead to Taunton as they have to cross and re-cross the carriageway in the face of oncoming traffic to

do so. The objector advises that having discussed the matter with Transporting Somerset, it is down to a drivers discretion on safety grounds as to whether or not they stop.

A second objector raises concerns that the photographs taken by the Planning Officer and shown to the Planning Committee do not represent the level of the traffic that flows past the site on the A358 at its junction with Langford Lane, as no vehicles were shown in the photographs of the site taken from the A358 and the road junction. The objector has provided photographs that reflect traffic flow outside peak periods.

## **Planning Officers comments**

For the avoidance of doubt, the proposal will provide 30 bedrooms – all for single occupancy, and not 32 as mentioned above.

Given the withdrawal of the highway authority's objection, Officer's consider that the proposal is acceptable in terms of traffic generation and highway safety subject to a condition as advised by the highway authority restricting the extended premises to a Care Home within Use Class C2 as described above. This would enable the local planning authority to retain control over the future use of the site in order to assess the implications of future traffic generation and its likely impact on the junction of Langford Lane and the A358 in the interests of highway safety.

The comments received from the two objectors are noted. There is only the one bus stop/layby located on the opposite side of the A358 to the site and the road junction. The bus stop is a 'request' stop. It serves buses travelling in both directions. It will be up to the driver to use his/her discretion as to whether to cross the opposing traffic flow to pick up/set down passengers. The bus stopping will also depend on whether there are passengers to set down or pick up.

The traffic flows past the site vary from standing traffic on the Taunton side at peak periods mornings, evenings and during holiday periods, on the Taunton side, to light traffic during evenings and early mornings. There is a steady flow of traffic running along the A358 in both directions during the daytime. These conditions will have been factored into the responses received from Somerset CC – Highways, and the subsequent withdrawal of its objection to the proposal on highway safety grounds.

Officers consider that neither of these concerns represent sufficient reasons to refuse the application.

## **Conclusion**

The application is recommended for approval in accordance with the conditions previously outlined and with the addition of two further conditions. These are shown in this Report on the schedule of conditions as Condition 5 - Car parking layout condition; and, Condition 7 – Restriction of the extended premises to a use in Use Class C2 only.

## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Condition(s) (if applicable)**

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

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

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

(A1) DrNo 1444-01A Existing Plans  
(A1) DrNo 1444-02A Existing Elevations  
(A3) DrNo 1444-03A Location Plan  
(A1) DrNo 1444-07A Proposed Plans  
(A1) DrNo 1444-08A Proposed Elevations  
(A2) DrNo 1444-09 Site Plan

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

3. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

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. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing,

and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

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

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

Reason for precommencement: To safeguard the existing trees during the entire development process.

5. Prior to the commencement of the development, hereby approved, details of the car parking layout to serve the development shall be submitted to and approved in writing by the local planning authority. The car parking shall be installed and made operational in accordance with the approved details before the extension is first occupied and shall thereafter be permanently maintained and used for the purposes of vehicle parking only.

Reason: To ensure that sufficient parking provision commensurate with the development is provided and maintained in the interests of highway safety in accordance with the provisions of retained Policy M4 of the Taunton Deane Local Plan. These details are required before work on site commences to ensure that sufficient parking provision on site is made commensurate with the scale of the development for what will be a 30-bedroom care home.

6. The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to the first occupation of the extensions, hereby permitted, and thereafter permanently retained for this purpose.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with retained policy M4 of the Taunton Deane Local Plan

7. The use of the premises as extended by this permission shall be restricted to a Care Home in Use Class C2 only in the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking or re-enacting that Order, and for no other use in Use Class C2 without first obtaining planning permission from the local planning authority.

Reason: To enable the local planning authority to retain control over the future use of the site in order to assess the requirements of any future user/operator and to assess the implications of future traffic generation and impact on the junction of Langford Lane and the A358 in the interests of

highway safety.

#### Notes to Applicant

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

## Proposal

The full planning application proposes the erection of a 2-storey extension to the south side of the existing Care Home, and the erection of a conservatory to the north elevation. The extension will provide the following additional accommodation:

Ground floor: 7 bedrooms each with en-suite shower facilities;

First floor: 6 bedrooms, again, each with en-suite shower facilities, plus a daytime lounge.

In addition, internal alterations to existing bedrooms 7, 9, 10 and 11 are proposed to make these rooms larger.

Outside, a new walkway around the southern and eastern sides of the extension is proposed, which will be screened by a retaining wall. A bicycle store is also proposed to be erected on the east side of the new extension.

## Site Description

The site comprises a detached residential 2 ½ storey, Care Home of red brick construction, under a tiled roof, that has previously been extended via the addition of extensions on 2-stories to the side and rear on its north and east sides. It provides 18 bedrooms for residents with ground floor living rooms, offices, kitchen and quiet room. It stands in spacious grounds with formal gardens on the approach to the Care Home along the access from Langford Lane. A nursery/orchard and grassed areas on its northern side. The sites grounds are spacious with buildings and structures set away from the sites boundaries, particularly to the north and west. To the rear (west) of the site and separate from the Care Home lie a number of outbuildings, workshops and sheds used for storage of equipment and for training purposes. A stand of mature trees and mature roadside hedging mark the southern site boundary with the adjoining A358 Taunton – Minehead road. The surroundings are semi-rural with the site lying close to residential properties to the west and east,

and farmland to the north. The House of St Martin lies outside any settlement development limits, and in the open countryside.

## Relevant Planning History

25/03/0013 – Erection of first floor extension, dormer window and external alterations – approved 8/5/03.

25/06/0019 – Replacement of windows to main building – approved – 7/11/06.

25/06/0022 – Retention of 2 pre-fabricated units for educational purposes – Temporary approval 4/1/07 – The buildings and works hereby permitted shall be removed and the land restored to its former condition on or before 4th January, 2017.

25/08/0037- Construction of dormer window in main roof to form shower room and WC – approved – 17/2/09.

25/12/001 – Installation of metal, storage container – approved – 7/2/12.

25/15/0010/ENQ - Erection of two storey side extension and single storey conservatory to the north – advice given 11/5/15.

## Consultation Responses

*NORTON FITZWARREN PARISH COUNCIL* - No comments received at the Report Drafting stage.

*SCC - RIGHTS OF WAY* - No comments received at the Report Drafting stage.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The change of use from a Hostel to a Residential Care Home could potentially alter the amount of traffic generated by the site and is therefore likely to have an impact on the substandard junction between Langford Lane and the A358. Whilst there has been no assessment of this change submitted it is the opinion of the Highway Authority that in order to properly consider the likely impact of the proposal on the junction such an assessment will need to be carried out.

Therefore until such an assessment has been carried out I would recommend that this application be refused on highway grounds for the following reason(s):-

*The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) since inadequate information has been submitted to satisfy the Local Planning Authority that the developments impact on the nearby substandard junction between Langford Lane and the A358 will not lead to a detrimental impact on highway safety.*

## Representations Received

10 Letters of Representation have been received from occupants of nearby

residential properties. All raise objection to the proposed development. Concerns raised are summarised as:

- Objection to principle of use of Care Home for the care and rehabilitation of offenders.
- There is a lack of clarity as to who the occupants of the Care Home would be
- Potential overlooking of adjoining dwelling
- Loss of 2 No. Silver Birch trees
- Highway safety implications have not been addressed – access out onto the A358 from Langford Lane is substandard
- Increased traffic and pedestrian movements to and from the site with consequent concerns for their safety
- Disproportionate amount of accommodation for care of offenders given the close proximity of the site to similar facility at Trenchard House
- Proposal would result in increased anti-social behaviour

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

ROW - Rights of Way,  
EN12 - TDBCLP - Landscape Character Areas,

In the Adopted Core Strategy (2011)  
CP1 – Climate Change  
DM1 – General Requirements  
DM 2 – Development in the Countryside  
DM4 - Design

The National Planning Policy Framework (2012) is a material consideration. This outlines Central Government guidance on planning. In the NPPF, advice contained in Sections:

3. Supporting a prosperous economy; and,  
7. Requiring good design, is of relevance.

## **Local finance considerations**

None applicable to this development.

## **Determining issues and considerations**

The following issues are considered to be of relevance in the determination of this application:

- Principle of development
- Design and visual impact
- Impact on amenities of adjoining residential occupiers
- Highway safety, traffic generation, turning and parking
- Any other material planning considerations

### **Principle of development**

From the Council's records relating to the previous planning history on this site and the documents submitted with the application and at the pre-application advice stage, this residential hostel has been in existence for some time and the proposed extensions will also allow a further extension to the existing use at the site. The application form advises that the proposal involves the change of use of the premises to a Care Home. The Council considers this use to be within the same Use Class – Class C2 (Residential Institutions) - and the requirement for any formal Change of Use does not arise as Use Class C2 covers "Hospitals, nursing homes, residential education and training centres". Therefore, planning permission for the use of the Care Home for the care and rehabilitation of offenders is not required as it already exists as outlined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Although located outside of the development limits of Norton Fitzwarren the extension to an existing property with an established use is acceptable in principle provided the proposals accord with adopted Core Policies (SD1) and Development Management Policies (DM1, DM 2 and DM4). The comments received from neighbours regarding the use of the premises have been taken into consideration in this regard.

### **Design and visual impact**

The design, scale, height and bulk of the two storey side extension to the south western elevation to include an additional 13 bedrooms, bathrooms, store and wet room and first floor daytime lounge, reflects that of the existing Care Home. The ground floor (bedroom 1) has a bay window which is proposed to be the same dimension of the bay window of the adjoining existing Office 1 and Reception window, which are an important features at the front elevation. It is noted that new windows and opening where possible, match that of the existing windows. The extensions mainly have an impact on views of the site from the south-west – this is from the direction of the A358 Taunton – Minehead road. Given the mature hedge screening and mature trees within the site which provide a soft appearance when viewed from the public realm.

In respect of the design, the eaves height at 2-storey level ties in with that of the existing Care Home, whilst all roofs are hipped and pitched with no sections of flat roof, and are to tie in with the existing roof structure on the south and west sides of

the building. Proposed materials are facing brick for the walls, red cedar cladding to the walls of the two south side bathroom projections; and, slate to the roofs. Samples of the brick and slate should be conditioned to ensure a good match with the materials of the existing structure. Fenestration details are acceptable.

Whilst the application proposes a large addition to the existing Care Home, its size, scale, siting and design details are considered to be acceptable, and given the space around the structures on site, and attendant boundary screening and on-site tree cover, the design and visual impact of the proposed development is compatible with the site and surroundings and accords with the provisions of Development Management Policies DM1, DM 2 and DM4 in the adopted Taunton Deane Core Strategy (2012); and, the advice contained in Section 7 'Requiring good design' of the NPPF.

### **Impact on amenities of adjoining residential occupiers**

The rear of the existing building is sited well away from any adjoining neighbours. The siting, height and scale of the extensions, which are to be on the south-west and west (rear) sides, will not result in any adjoining residential properties being overlooked giving rise to a loss of privacy, nor would they be close enough to block light to or adversely affect the outlook from any neighbouring dwellings and, therefore, there would not be any significant impacts on residential amenity or on the character and appearance of the existing area.

The erection of a single storey conservatory to the northern side elevation of the main house to be accessed from the existing dining room is acceptable in terms of size and location and will not have any overbearing impacts in terms of existing residential amenity in the area or on the character and appearance of the area.

The proposal in respect of impact on residential amenity accords with the provisions of Development Management Policies DM1, DM 2 and DM4 in the adopted Taunton Deane Core Strategy (2012); and, the advice contained in Section 7 'Requiring good design' of the NPPF.

### **Highway safety, traffic generation, turning and parking**

The comments received from Somerset County Council – Highways are noted. The Local Highway Authority objects to the proposed development on the grounds that a change of use is involved and that the change from a Hostel to a Care Home could potentially alter the amount of traffic generated by the site and is, therefore, likely to have an impact on the sub-standard junction between Langford Lane and the A358. It recommends refusal of the application on highway safety grounds.

This Council has determined that the existing lawful use of the site as a Hostel falls within the same Use Class as a Care Home, and as such any change between the two uses constitutes permitted development as outlined in Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and a material change of use will not occur.

Somerset County Council – Highways has been advised of this consideration and

asked to review its comments any further comments received will be reported.

Officers consider that the proposed increase in the number of bedrooms proposed by these extensions from 14 to 27 is acceptable and should not result in increased traffic movements to and from the site to an unacceptable degree. The occupants of the Care Home are unlikely to drive and will be resident on the premises. The application forms indicate that there will be an increase in the number of employees working on site as follows:

From: 10 full-time, and 4 part-time. Total = 14

To: 12 full-time, and 6 part-time. Total = 18

The proposed number of car parking spaces will increase from 5 to 8, and the cycle parking provision will be formalised via the installation of the proposed cycle parking facility at the rear of the building providing a cycle shelter with space for 4 cycles.

It is noted that the premises are just off the bus-route between Taunton, Williton and Minehead which runs along the A358/A39. A bus stop is located on the A358 to the west of the site resulting in a very short walk to the site.

Whilst it is acknowledged that the road junction of Langford Lane with the A358 is sub-standard, the way in which the Care Home operates, with residents unlikely to drive or own vehicles, the relatively small increase in employee numbers, the provision of additional car parking and cycle parking on site; and, the proximity of the site to public transport facilities (Bus stop), it is considered unlikely that the proposal will generate an excessive amount of additional traffic that would result in an unacceptable level of danger to road users and pedestrians arising from traffic movements to and from the site, and at the Landford Lane/A358 road junction.

### **Any other material planning considerations**

The proposed removal of the 2 No. Silver Birch trees is acceptable. The trees are semi-mature specimens, but not of good quality and are not the subject of any Tree Preservation Order. Officers consider that the existing boundary screening on the south, east and west sides of the site and retention of other mature and semi-mature trees within the site will provide sufficient in the way of soft landscaping to help assimilate the development into its surroundings.

### **Conclusion**

With regard to the above considerations it is considered that the proposals are acceptable. It is, therefore, recommended that planning permission is granted.

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

**Contact Officer: Hamish Laird**



06/15/0023

TAYLOR WIMPEY EXETER

**ERECTION OF 15 No DWELLINGS WITH ASSOCIATED CAR PARKING, LANDSCAPING AND DRAINAGE INFRASTRUCTURE ON LAND AT STATION FARM, STATION ROAD, BISHOPS LYDEARD**

Location: STATION FARM, STATION ROAD, BISHOPS LYDEARD

Grid Reference: 316282.128982

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' SP1 'Sustainable Development Locations' and SP4 'Realising the vision for rural areas' together with Taunton Deane Local Plan Policy EC22 'Land west of Bishops Lydeard Station' and Site Allocations and Development Management Policy MAJ5 'Land west of Bishops Lydeard Station' in that it would lead to the loss of sites allocated for recreational, tourism, commercial and other employment generating uses which would represent an unsustainable form of development in this Major Rural Centre.

## **Proposal**

This is an application for full planning permission for the erection of 15 dwellings (10 open market and 5 affordable) at land at Station Farm, Bishops Lydeard. The site is also known as Brunswick Green.

The site is in two parcels and consent is sought for the erection of 12 dwellings on the larger 0.32 northern parcel and 3 dwellings on the smaller 0.14 hectare southern parcel. The northern parcel is a mixture of 1 detached dwelling, 4 pairs of semi-detached dwellings and a terrace of 3 dwellings. All of the affordable housing would be in this parcel of land. The southern parcel of land comprises 3 detached dwellings.

The design of the properties is similar to the existing residential development and is a mixture of brick and render, 2-storey dwellings.

The northern parcel of land also includes an area marked as public open space. This is on the eastern side of this part of the site and would comprise amenity grassland and wildflower meadow/grassland

Amended plans have been received in response to the comments of the County

Highway Authority.

## **Site Description**

Brunswick Green is located to the west of the tourist attraction of the West Somerset Railway. The Bishops Lydeard terminus of the railway and the railway line form the eastern boundary of the larger development. The rural centre of Bishops Lydeard is located to the north east, with a pedestrian underpass providing access across the A358. The site is accessed off Greenway Road, to the east of the entrance to the residential development at Greenway, which continues into Station Road and joins the A358.

Planning permissions were granted for a mixed use development comprising a public house with restaurant, 39 dwellings, office building, and a railway museum and carriage shed in 2011. Construction works on the dwellings commenced shortly afterwards.

The construction of the dwellings is complete, but two parts of the site remain undeveloped. The first is out the site entrance where planning permission was granted for the erection of a public house with restaurant. The second is at the rear of the site where planning permission was granted for the erection of a two-storey office building. Both site have access points and are best described as building plots.

## **Relevant Planning History**

### **Original mixed use proposals**

The relevant site history dates back to 2007, when the developer GADD Homes secured a resolution to grant planning permission for the following applications:

06/07/0027 – Erection of mixed use development comprising tourist facilities, 29 open market houses, 8 affordable units and associated infrastructure works. The tourist element of the proposals provided for a café, micro-brewery, creative industry centre, cycle hire centre and an ice cream kiosk.

06/07/0028 – Erection of Public House with restaurant.

06/07/0042 – Erection of 2 detached dwellings plots 38 & 39.

06/07/0043 – Erection of single storey building to form museum and carriage shed.

06/07/0044 – Erection of two storey office building.

Those applications were then held in abeyance as the developer went into administration. The applications were formally consented in August 2011 once the technical information on ecological and flooding matters were finalised.

### **Subsequent change of house types**

In September 2011, Taylor Wimpey sought permission under application 06/11/0032 to change the consented house types for their own design and some minor alterations to the layout of the scheme, including the provision of SUDS.

The application carried forward the main enabling works to secure:

- Transfer of land to WSR for the provision of tourism facilities related to the functions of a Heritage Railway;
- Provision of a Tourist Information Facility

and through a Grampian Condition that required:

- No more than 50% of the open market housing to be occupied until the following highway works had been delivered:
  - a) Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;
  - b) Provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge;
  - c) Provision of a new roundabout at the junction of Station Road and the A358.

In addition there were planning obligations related to the development i.e. affordable housing provision.

The application was approved by the Planning Committee. The transfer of the land known as the 'tourism land' to the WSR has been executed.

### **Applications for housing on the public house and office sites:**

In October 2012, an application (06/12/0036) to erect 5 dwellings on the site of the approved public house and restaurant was recommended for approval by officers and refused by the Planning Committee for the following reason:

*The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' and SP4 'Realising the vision for rural areas' together with Taunton Deane Local Plan Policy EC22 'Land west of Bishops Lydeard Station' in that it would lead to the loss of a potential tourist/employment use that has an extant consent and no evidence in the form of marketing has been submitted to demonstrate that such a use is not viable and material considerations do not outweigh the loss of the tourist/employment use.*

A second application to erect 3 dwellings (06/12/0007) on the site of the approved office building was recommended for approval by officers and refused by the Planning Committee for the following reason:

*The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' and SP4 'Realising the vision for rural areas' in that it would lead to the loss of a potential employment use that has an extant consent and that no evidence in the form of marketing has been submitted to demonstrate that such a use is not*

*viable and material considerations do not outweigh the loss of employment land.*

Both of these applications became the subject of a Planning Appeal. An Inquiry was opened and the Council's evidence was heard. The appellant then requested an adjournment and submitted two revised applications for 6 dwellings on the public house site and 3 dwellings on the office site (applications 06/12/0068 and 06/12/0067). These applications were accompanied by an offer of £106,311.74 plus VAT to improvements to existing parking provision or facilitate new car parking provision at the West Somerset Railway. Both of these applications were recommended for approval by officers and refused by the planning committee for the same reasons as above.

The appeal was subsequently withdrawn.

## **Consultation Responses**

*BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL – object*

The Parish Council strongly objects to the granting of permission for the following reasons:

- This application follows previous similar applications (06/12/0007, 06/12/0036, 06/12/0067 and 06/12/0068) to erect dwellings on this land. The Parish Council has objected to the granting of permission previously and would like the comments previously made in relation to those applications considered again in relation to this application. It is hoped that the Case Officer will take due note of the decisions of the Planning Committee in respect of the previous applications and will recommend refusal. Nothing has changed since those decisions save that, in respect of the larger of the two sites, Taylor Wimpey is now seeking permission for 12 units (rather than 5 or 6 previously sought) to the exclusion of a children's play area (please see the third bullet point below).
- The Parish Council notes that the previously agreed works as outlined in the planning consent for the 39 houses already built at Station Green have not been carried out, in particular, the works to improve the highway (roundabout from the A358 and traffic lights on the West Somerset Railway bridge) and improvements to footpath links (both on Station Green to Station Road and on the opposite side of the road at Greenway). No further consent should be granted or implemented until these works are completed.
- The Parish Council noted that the application does not include a children's play area within the site. The Parish Council considers the play area is currently in the wrong location (accessible from Broadgauge Business Park) and as a result not utilised fully. The Parish Council suggests that the existing play area should be relocated to Station Green in the front portion of land described in the application to enable its use by residents in Station Green and Greenway.
- The original application relating to the 39 houses already built at Station Green was not in the local plan and was granted on the basis of the tourism and employment opportunities that it offered to the Bishops Lydeard area, these opportunities will be removed if consent is granted. The demand for commercial

space in the village remains high, evidenced by the quick take up of any units in the Broadgauge Business Park if/when they become available.

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

The development will use the existing vehicle access onto the highway, created as part of the previous development (06/11/0032) adjacent to the application site. Therefore, this has not been assessed as part of this review.

Proposed parking provision at the application site does not meet the requirements set out within the 2013 SCC Parking Strategy. The SCC Parking Strategy states that a residential development of this size would require 39 parking spaces plus 3 visitor parking spaces. It is currently proposed that visitor parking will be on-street (it is noted that there are visitor spaces associated with the previous development indicated on the plans). While this is slightly below the current standard, it is recognised that the SCC Parking Strategy identifies these as optimum standards and it is detailed in the Travel Plan that there are good bus links to Taunton and Minehead. However, there is potential that high levels of parking could lead to anti-social parking on the internal roads, obstructing driveways and potentially leading to parking on the highway, which could become a safety concern.

No details of cycle parking have been provided or motorcycle parking.

Garages are to be provided for three of the properties at the southern plot of the development site. While appropriate size for car parking, if it is proposed that cycle parking will be within the garages, the size will need to be adjusted to accommodate this.

Turning areas are provided as part of the development to allow services vehicles a space to manoeuvre in, which appear appropriate

The following highway related comments have been made as a result of looking at submitted drawing number 8048/PL103/- together with the 'Planning Statement' and 'Design & Access Compliance Statement.'

1. The proposed 15 dwellings will be served by internal access roads and footways that have already been constructed as part of a Section 38 Agreement (TD/4443/H). The site has yet to be adopted via the Section 38 Agreement so remains the responsibility of the developer Taylor Wimpey.
2. Proposed private parking bays that immediately but up against any form of structure (walls/footpaths etc) should be constructed to a minimum length of 5.5m as measured from the back edge of the prospective publicly maintained highway.
3. Surface water from all private areas, including parking bays, will not be permitted to discharge onto the public highway. Private interceptor drainage systems must be introduced to prevent this from happening.
4. If existing carriageway gullies coincide with the proposed vehicle accesses, then the gullies will need to be provided with pedestrian friendly gully frames.

5. The construction of the footway(s) providing vehicle access to the carriageway, will have to be of sufficient integrity to cater for vehicle movements over them.
6. Any highway lighting columns that need to be relocated as a result of the proposed development cannot be repositioned without the applicant making prior contact with the Somerset County Council Highway Lighting Manager.
7. No doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.
8. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required, with a copy forwarded to SCC.
9. It is noted that the private car parking areas will be constructed in permeable block paving. Permeable paved areas should be constructed to fall away from the prospective public highway areas such that if they should fail to perform in the future then this will not result in discharge of surface water onto the highway. There should also be a suitable buffer between such areas and the highway to ensure that the infiltration doesn't have any detrimental effect upon the structural integrity of the carriageways and footways.
10. The developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the works at all times. They shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.
11. The developer will be held responsible for any damage caused to public highways by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the developer in the presence of the Highway Supervisor (Greg Carreau) showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.
12. Any existing services located within the carriageways/footways fronting the development site that may need to be diverted, lowered or protected will have to meet the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services should be lowered to a depth to allow full road construction, inclusive of capping, to be constructed over. Any required works must comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major

works (diversionary works) under Section 84 NRSWA 1991.

13. Existing carriageway gullies/drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the development. If any extraneous matter from the development site enters an existing road drain or public sewer, the developer shall be responsible for its removal.
14. The existing public highway must not be used as site roads or sites for stockpiling and storing plant, materials or equipment. The developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.
15. To address Advance Payments Code legislation, the 'private drive' serving plots 8-12 should be constructed to an adoptable standard in terms of materials used and the depths laid.

In the event of permission being granted, I would recommend that conditions are imposed

*WESSEX WATER* – Comments as follows:

As stated on the Proposed Drainage Strategy Drawing 15318□050 "Proposed additional units will discharge to pumping station for original scheme, capacity to be checked, may require upgrading". We believe extra storage at the pumping station may be required; applicant to provide relevant information as appropriate.

Surface water will be disposed of via off site attenuation pond which will require the approval of your Authority.

*BIODIVERSITY* – Comments as follows:

Further to my initial comments with regards to this application, I am now satisfied with the Ecological information submitted.

*LANDSCAPE* – Comments as follows:

No Real landscape objections to the development. However I understand That the land at the entrance of Greenway Road is earmarked for an alternative use.

*HOUSING ENABLING* – Comments as follows:

25% of the new housing should be in the form of affordable homes. The required tenure split is 60% social rented and 40% shared ownership. In all cases either a partial contribution will be sought or the affordable housing unit will be rounded up to the next whole unit to provide any overall provision of 25% affordable housing. The shared ownership units should be located within their own block/terrace.

It is noted that 5 dwellings are proposed for affordable housing on this scheme which results in an overprovision, however taking into account that the scheme is

for 3 bed and larger properties, it is unclear as to how the current housing need would be met.

To meet the current housing need, the mix would need to include some 1b and 2b properties. An appropriate mix is considered to be:

#### Social Rent

- 2 x 1b2p Maisonette style apartments with own entrance and amenity space (in place of 1 x 3 bed property),
- 1 x 2b4p (in place of 1 x 3 bed property),
- 1 x 3b5p

#### Shared Ownership

- 1 x 2b4p (in place of 1 x 3 bed property),
- 1 x 3b5p

The affordable housing scheme, including location, unit type and mix must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. Early engagement with the Housing Enabling Lead to agree the affordable housing provision is recommended.

The affordable housing should be an integral part of the development and should not be visually distinguishable from the market housing on site. The affordable housing should meet at least Code for Sustainable Homes Level 3, or meet any subsequent standard which may supersede at the date of approval of the application.

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

#### *LEISURE DEVELOPMENT* – Comments as follows:

In accordance with Local Plan Policy C4, provision for play should be made for the residents of these dwellings

An off-site contribution of £3,066 for each 2 bed+ dwelling should be made towards children's play. The contribution to be spent on play equipment, within the vicinity of the development.

A contribution to public art should be requested, by commissioning and integrating public art into the design of buildings and the public realm.

#### *SCC - FLOOD RISK MANAGER* – Comments as follows:

The proposals utilise the attenuation area constructed under a previous phase of the development but it has not been established whether there is sufficient capacity in the existing system and an additional attenuation area may be provided if

necessary. It would be preferable for the capacity of the existing attenuation area to be increased rather than provide a new separate area. A condition should be imposed on any approval that requires full details of the surface water management system, based on increasing the volume of the existing attenuation area if practical, to be submitted to the LPA for approval prior to any work commencing on site.

*ECONOMIC DEVELOPMENT* – Comments as follows:

1. I would agree with Greenslade Taylor Hunt's (GTH) marketing report that the larger site may not be suitable for a pub or leisure use. Without 'A road' frontage, and being located in a smaller settlement I suspect the site would not be attractive to a larger pub or restaurant chain. That is not to say that an individual or smaller developer may not wish to develop the site for such a use, but GTH's marketing activity has clearly given those individuals the opportunity to come forward.
2. I would, however, disagree with the point in GTH's Marketing report that there would unlikely be a demand for other employment / commercial uses on the larger of the two sites. There is a significant demand in the Taunton area for sites to accommodate the expansion of local businesses, evidenced by the development of sites in the vicinity of Bishops Lydeard (eg Westpark in Wellington). For example, I am aware of around 20 local businesses that are actively looking for premises in the Taunton area. This site in particular has good access and is in a location just off the main A358 Taunton to Minehead road. There are no employment units currently available in Bishops Lydeard and this site may be of interest to a developer wishing to support local businesses.
3. The Station Farm site in totality was originally proposed as a mixed use site, to include facilities to support the growth of the West Somerset Railway. I am aware that the Railway still has ambitions to grow, increasing its storage as well as the customer facilities it offers. I would therefore wish to ensure that all avenues have been explored and exhausted over the railway's use of both sites before a decision is taken to reallocate their use.
4. Specifically regarding the smaller site within Station Farm, in the light of GTH's marketing report, I would concur that it would be difficult to sell for most types of employment uses.

*NATURAL ENGLAND* – Comments as follows:

Statutory nature conservation sites – no objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species - We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material

consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

*HALSE PARISH COUNCIL* – no comments received

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* – no comments received

*PLANNING POLICY* – Comments as follows:

These policy comments are submitted in response to application 06/15/0023 which seeks to provide 15 dwellings on land at Station Farm.

### **Taunton Deane Core Strategy**

Bishops Lydeard is identified in the adopted Taunton Deane Core Strategy as a Major Rural Centre alongside Wiveliscombe (Policy SP1). Policy SP1 states that

‘These settlements will provide the focus for essential facilities within rural communities, this will include an appropriate balance of housing provision, small-scale employment and other local services. In these settlements allocations of up to 200 new net additional dwellings will be made through the Site Allocations and Development Management DPD.’

The site currently benefits from planning permission for a pub and office uses as part of the wider, mixed use residential scheme. The residential aspects of the planning permission have now been developed. Policy CP2 states that:

‘Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.’

### **Site Allocations and Development Management Plan (SADMP)**

The Site Allocations and Development Management Plan (SADMP) has now been submitted to the Planning Inspectorate for examination. Following examination the Council anticipate adopting the plan in 2016. Given the advanced stage of the plan, significant weight should be applied to the emerging policies and site allocations in the submission draft plan.

The application site relates to the emerging Policy MAJ5: land west of Bishops Lydeard Station. The policy seeks to allocate this land for recreational and tourism uses which support the visitor attraction of the West Somerset Railway, and other commercial, employment generating uses. This policy is carried over from the Taunton Deane Local Plan (2004) (Policy EC22).

There have been no objections raised on the proposed MAJ5 allocation in the emerging SADMP and no evidence presented as part of the development plan consultation process, to demonstrate that the employment allocation in the

emerging SADMP is undeliverable. Given the absence of any objections raised on the proposed MAJ5 allocation, significant weight can be placed on the policy in the consideration of this application.

### **Bishops Lydeard and Cothelstone Neighbourhood Plan**

The Bishops Lydeard and Cothelstone Neighbourhood Plan is now at the 'Authority Publicity' stage, having gone through several rounds of public consultation. Notwithstanding this, NPPG advises prematurity will seldom be justified where the 'Authority Publicity' stage has not been completed.

The current application proposals for residential development are not in conformity with the emerging Neighbourhood Plan, which supports the SADMP MAJ5 allocation and states in para 5.2.18 that:

'The remaining undeveloped land west of the railway station should be reserved for the purpose permitted and any further attempts to gain planning permission for alternative uses will not be supported.'

### **Strategic Housing Land Availability**

The Strategic Housing Land Availability Assessment (SHLAA) currently identifies a five year deliverable supply of 6.31 years when planning for a five percent buffer of housing land and 5.56 years when planning for a twenty percent buffer. Therefore the Council is able to demonstrate a five year supply of housing sites under both a 5% and 20% scenario. A developable supply of approximately 8,800 units has been identified through the SHLAA and taken with the five year deliverable supply of 6,000 units and completions to date (2,874 units), this provides ample margin to ensure the Core Strategy target of a least 17,000 new dwellings can be met.

### **Conclusion**

The current planning application covers part of a site which already benefits from an outline permission for a public house and office uses. The site is allocated for recreational and tourism uses which support the visitor attraction of the West Somerset Railway, and other commercial, employment generating uses, in the development plan.

The NPPF highlights the need for applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal is not compliant with adopted or emerging development plan policies in both the SADMP and the Neighbourhood Plan. Furthermore the applicants have neither objected to the MAJ5 allocation in the emerging SADMP nor have they presented evidence as part of the development plan consultation process, to demonstrate that the employment allocation in the emerging SADMP is undeliverable. Paragraph 12 of the NPPF explicitly states that:

'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.'

In conclusion, the proposal remains counter to both the adopted and emerging

development plans (both the SADMP and the Neighbourhood Plan).

## Representations Received

8 Letters of objection which raise the following issues:

- The area does not need any more housing with houses already being built on this site and at Sandhill Park.
- The developer have no complied with their previous obligations to construct a roundabout and building further housing would represent a greater highway danger.
- Plot 41 dormer windows will inhibit our privacy to the front of our property especially into the bedrooms.
- The original application was for 12 properties, the developers are attempting to gain more profit on the delay of this development.
- There are no 2 bed properties included in this application which suit the whole community of Bishops Lydeard and surrounding villages.
- The smaller site is only suitable for two houses, not three. Overdevelopment
- No permission should be granted until all of the highway works required for the original application have been carried out.
- What happened to all the shops and offices which were meant to be built here?
- Understood that the land was protected for tourism and employment uses connected to the West Somerset Railway.
- It would be better if this land was made into a children's play area
- The statement made at Paragraph 4.2.6 of the Marketing Report is not entirely accurate. The previously erected board saying "For Sale Development Sites (0.39 & 0.79 Acres) for Public House, Tourism, Recreation and Employment Uses" at the front of the site adjacent to Greenway Road was removed by Taylor Wimpey approximately 12-15 months ago, when the wooden hoardings that previously surrounded the site were taken away.
- Not clear what the public open space shown on the plans is for? Does it include play equipment?

5 Letters of support which raise the following issues:

- This site should be used for housing.
- Any commercial or industrial use of the land would cause a very real danger for the young children and people on this estate. Such use of the land would create heavy traffic which, in our opinion, the estate is not able to cope with, and would cause safety issues with young children playing in the local vicinity.
- There is no interest in this site for commercial or industrial use and there is unlikely to be due to the location.
- There is no demand for more public houses and locals pubs have already closed down.
- Would prefer to see this land used for housing (but with more public open space and children's play area).
- Houses would be better than derelict wasteland

2 Letter of comment which raise the following issues:

- New housing would be in keeping and would complete the estate.
- It is essential that the plans include pedestrian footways and dropped kerbs at the site entrance to allow for people to cross Station Road and access Bishops Lydeard
- The developer have no complied with their previous obligations to construct a roundabout and building further housing would represent a greater highway danger

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

EC22 - TDBCLP - Land West of Bishops Lydeard Station,  
M4 - TDBCLP - Residential Parking Provision,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - TD CORE STRATEGY - ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
DM4 - TD CORE SRATEGY - DESIGN,

### **Site Allocations and Development Management Plan (SADMP)**

Policy MAJ5: land west of Bishops Lydeard Station.

### **Bishops Lydeard and Cothelstone Neighbourhood Plan**

para 5.2.18: 'The remaining undeveloped land west of the railway station should be reserved for the purpose permitted and any further attempts to gain planning permission for alternative uses will not be supported.'

## Local finance considerations

### Community Infrastructure Levy

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 £212,500

### New Homes Bonus

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

#### *1 Year Payment*

Taunton Deane Borough	£17,586
Somerset County Council	£4,397

#### *6 Year Payment*

Taunton Deane Borough	£105,516
Somerset County Council	£26,379

## Determining issues and considerations

It is considered that there are 6 main issues in the determination of this application. They are:

- Planning Policy
- Neighbourhood Plan
- Marketing
- Affordable Housing
- Design and Layout
- Off-site Highway Works

### Planning Policy

This is the key issue as the site is allocated for recreation and tourist development by saved policy EC22 in the Taunton Deane Local Plan and it is proposed to allocate the site in the emerging Site Allocations and Development Management Policies Plan (SADMP) for recreational and tourism uses which support the visitor attraction of the West Somerset Railway, and other commercial, employment generating uses. Core Strategy Policy CP2 seeks to resist the loss of identified business land to other uses unless the overall benefit of the proposal outweighs the disadvantages of the loss of potential employment on the site. It should also be noted that the emerging Neighbourhood Plan supports the site being reserved for previously permitted uses and that alternative uses would not be supported.

Saved policy EC22 of the saved local plan allocates the northern parcel of land for recreational and tourism development which was the basis for the previous

approvals for a mixed use development that comprised the tourist facilities, public house, office building and residential. The residential element of these permission was seen as a way to secure the transfer of land to the West Somerset Railway for the erection of the museum and carriage shed as well as subsidising the overall mixed use development. Policy EC22 states that:

*EC22 - Land west of Bishops Lydeard Station is allocated for recreation and tourist development. Complementary recreation and tourist developments will be permitted which:*

*(A) support the tourist potential of the West Somerset Railway; and*

*(B) respect the character and setting of the station buildings, including Slimbridge.*

This remains the saved local plan policy that forms the development plan. It is proposed to replace this with policy MAJ5 in the emerging Site Allocations and Development Management Policies Plan (SADMP) which is at an advanced stage in the preparation process. Hearings for SADMP have now been scheduled for Wednesday 30 March, Thursday 31 March, Friday 1 April & Wednesday 5 April 2016 and the Inspector has not raised any matters or issues with regard to Policy MAJ5. There are no objections to the new policy - including none from the developers of the site - and the Parish Council strongly support the policy as can be seen from statements in the emerging Neighbourhood Plan. Given the absence of any objections raised on the proposed MAJ5 allocation, significant weight can be placed on the policy in the consideration of this application. Policy MAJ5 covers both parcels of land that are subject to the current application and states:

*MAJ5 - Sites totalling 0.5 hectares west of Bishops Lydeard Station, as indicated on the Proposals Map, are allocated for recreational and tourism uses which support the visitor attraction of the West Somerset Railway, and other commercial, employment generating uses.*

The supporting text to this policy states that “the allocations currently have planning permission for a pub and commercial offices as part of a wider, mixed use residential scheme. The allocation therefore makes provision for other commercial uses, in line with this existing permission. Together, the allocated sites under policy MAJ5 will provide additional employment generating activities in Bishops Lydeard, assisting in ensuring that an appropriate balance of housing and jobs are provided in this major rural centre, in line with policy SP1 of the Core Strategy”

Policy SP1 of the adopted Core Strategy identifies Bishops Lydeard as one of two Major Rural Settlements and states that “these settlements will provide the focus for essential facilities within rural communities, this will include an appropriate balance of housing provision, small-scale employment and other local services”. Policy CP2 of the Core Strategy states that:

*CP2 - Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.*

It is clear that the policies in the Development Plan and the emerging SADMP seek to retain these sites for recreational, tourism, commercial and other employment generating uses. It is therefore considered that the loss of these sites to residential

development would be contrary to the above policies. It is therefore necessary to consider whether there are any material considerations that would outweigh the policies in the Development Plan. This is discussed in the sections below.

## **Neighbourhood Plan**

Although the emerging Neighbourhood Plan is at an advanced stage, it has not yet been to referendum, it has been through independent examination and the Examiner report recommended – subject to minor amendments – that the plan should now progress to a local referendum. The referendum is scheduled for 5<sup>th</sup> May 2015.

There are no policies that seek to allocate the sites in the Neighborhood Plan as it is not necessary to repeat policies that are already in the Development Plan. However, it is clearly stated in the plan that policy MAJ5 of the SADMP is supported and states in para 5.2.18 that:

*The remaining undeveloped land west of the railway station should be reserved for the purpose permitted and any further attempts to gain planning permission for alternative uses will not be supported.*

It is therefore clear that the current application is not in conformity with the emerging Neighbourhood Plan.

## **Marketing**

In support of the application, the developer has commissioned a local estate agent, Greenslade Taylor Hunt to market the sites for both the previously approved uses and alternative employment uses. A marketing report accompanies the application and the agent considers that “due to a now proved lack of demand following over two years of marketing, rising construction costs and low returns the building of any form of commercial property on either site would, in my view, be unviable”. It concludes that the sites are not suitable for either an office location or for a public house and if either site were going to attract interest from developers, the marketing campaign would have done so by now.

Advice has been sought from the Councils Economic Development Manager who agrees that the larger site may not be suitable for a pub or leisure use. However, he disagrees that there would be unlikely demand for other employment and/or commercial uses. He states that “I am aware of around 20 local businesses that are actively looking for premises in the Taunton area. This site in particular has good access and is in a location just off the main A358 Taunton to Minehead road. There are no employment units currently available in Bishops Lydeard and this site may be of interest to a developer wishing to support local businesses.”

The Economic Development Manager concedes that the smaller site at the south of the development would be difficult to sell for most employment uses. This comment is understood as the site is at the end on the residential estate road and effectively ‘hidden-away’ without any main street frontage

The NPPF seeks to build a strong competitive economy and places significant

weight on the need to support economic growth through the planning system. It requires local planning authorities to identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.

However, the NNPF also require the regular review of allocated employment sites and paragraph 22 requires:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

The allocation of these sites in the emerging SADMP for recreational and tourism uses which support the visitor attraction of the West Somerset Railway, and other commercial, employment generating uses is considered to comprise a review of the previous local plan policy EC22 and, in this case, the emerging policy expands the range of uses that would be accepted on the site.

Weight must be given to the marketing report and a judgement has to be made as to whether there is a reasonable prospect of the sites being used for the allocated purposes. In this case, it is considered that emerging SADMP policy should not be disregarded at such an early stage, especially as it allows for other commercial or employment generating uses.

The comments from one of the neighbours is noted with regard to the removal of the marketing boards from the site and it is also noted that the sites have been marketed over a period where the existing planning permissions for the public house and office have effectively expired – the ability to submit reserved matters applications expired in August 2014. The applicants have not sought to renew these planning permission to help market the sites, nor have they sought permission for any other recreation, tourism, commercial or employment generating uses.

### **Affordable Housing**

It should be noted that this application proposes more affordable housing (33%) than the Core Strategy policy requirement of 25%. In terms of benefits that weigh in favour of the development, the provision of affordable housing that meets specific local housing need should be given positive weight as a material consideration. The comments from Housing Enabling raise questions regarding the provision of 3-bedroom properties for affordable housing and suggest that a more appropriate mix would include 1-bedroom and 2-bedroom properties in order to meet current need.

It is considered that although this over provision of affordable housing is to be welcomed, it would not outweigh the overall conflict with adopted and emerging planning policy and the loss of a site reserved for other purposes. Should Members

be minded to grant permissions, it would be necessary to secure a more appropriate mix of affordable housing in agreement with the Housing Enabling Manager.

## **Design and Layout**

The design and layout of the development is similar in form and density to the existing housing estate. There are some large areas of parking to the front of the dwellings on the northern parcel of land, which are similar to the dwellings immediately to the south. The applicants have submitted some amendments to the parking layout in response to the comments of the County Highway Authority. This also includes details of cycle and motorcycle parking.

The plans show an area of open space to be provided in the northern parcel of land and representations have been received as to how this would be used. The submitted plans show that this would be open grassland with no play equipment. It is proposed under a current application to upgrade part of the existing children's play area at Broadgauge Business Park using the Section 106 contributions secured under the previous planning permission.

In terms of the planning layout and design of the proposed dwellings the scheme would integrate with the consented scheme. It is considered that there would be no unreasonable adverse impact on the amenity of nearby residents.

## **Off-site Highway Works**

Many comments have been received regarding the previously consented schemes and the requirement to carry out off-site highway works. These include the construction of a roundabout on the A358 and works to the existing railway bridge, including the provision of footways and traffic signals. This application does not change the requirements to undertake these works which are subject to the agreement of the County Highways Authority. The frustration of local residents and parish council on this matter is understood, however, the determination of this application would not alter the requirement for the off-site highway works to be completed. It is therefore recommended that little weight is placed on the failure to construct the off-site highway works.

## **Other Issues**

Comments raised with regard to overlooking from plot 41 are noted, however, it is considered that front dormer windows at a distance of 18 metres between dwellings that face each other across a highway, is a sufficient distance so as not to result in a loss of residential amenity.

Comments regarding the current appearance of the site and that the development of houses would 'tidy-up' or complete the residential are understood, however, it is considered that this is not a sufficient argument to allow development that would otherwise be unacceptable as it could be repeated too often.

## **Conclusions**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. It is clear that this application is not in accordance with the policies in the Local Plan and Core Strategy, nor is it in accordance with the emerging Site Allocations and Development Management Policies Plan (SADMP) which is at an advanced staged in the preparation process. The marketing of the site for the previously permitted uses is a material consideration that should be given some weight in the determination of this application. A judgement has to be made whether there is a reasonable prospect of the site being used for the allocated purposes. As the allocation is already in the process of being reviewed – as required by the NPPF – and is at an advanced stage with no objections being received, it is considered that the loss of these sites to housing would not represent sustainable development and the application should be refused.

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

**Contact Officer: Mr B Kitching**

23/15/0031

MITCHELL PARTNERS

**Reinstatement and widening of an agricultural access with closure of the existing principal access on land to the North of the B3187 at Milverton (E311748 N126370) (retention of works already undertaken)**

Location: LAND TO THE NORTH OF THE B3187 AT MILVERTON

Grid Reference: 311748.12637

Retention of Building/Works etc.

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Condition(s) (if applicable)**

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

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

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

(A4) Location Plan  
(A3) Site Plan

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 gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of safety of users of the highways access and track hereby approved.

5. There shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 188 metres either side of the access.

Such visibility shall be fully provided before the new access is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

6. The access hereby permitted shall be used for agricultural purposes only.

Reason: In the interests of highway safety

7. The previous existing access (as shown on the submitted location plan, scale 1:2500, and marked as 'existing access to be closed off') shall be closed to all traffic and its use permanently abandoned within 1 month of the new access hereby permitted being first brought into use

Reason: In the interests of highway safety

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County

Hall, Taunton, TA1 4DY, or by telephoning 01823 355645.  
Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

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

## Proposal

Permission is sought (partially retrospective) for works to reinstate highways access and widen the access with removal of existing trees and foliage and replacement with hedgerow and closure of existing access

## Site Description

Field and highway boundary located just outside of Milverton on B3187.  
Development site is on the B3187 leaving Milverton westbound, just past a sharp bend leading out of the town and is within designated national speed limit zone (60mph). There is a house opposite the proposed access site. The field is set down lower than road level and the site has been bordered by trees and shrubs, although these have been removed

## Relevant Planning History

None

## Consultation Responses

*MILVERTON PARISH COUNCIL* - Expressed concerns about safety due to access being sited within 60mph speed limit, thought that risks could be mitigated by laying hedge to improve visibility

*SCC - TRANSPORT DEVELOPMENT GROUP* - Notes that for vehicles leaving Milverton access is shortly after bend and just passed 30mph zone so relatively low speeds however with vehicles moving towards Milverton traffic is travelling a lot faster. Visibility splays should be 2.4x215m but plans show 2.4x188m so does not meet criteria. However proposed access is an improvement than the current access which is further into 60mph zone and does not provide same level of visibility. If permission granted suggested conditions:

1. gradient no more than 1 in 10
2. access to be used for agricultural purposes only
3. no obstruction to visibility greater than 900mm above adjoining road level to lines drawn 2.4m back to centre line of access and extending 188m either side
4. provision made for disposal of surface water and details approved by LPA prior site brought into use

5. previous access closed to traffic within 1 month of new access being brought into use

*LANDSCAPE* - works to cutback existing trees and hedges severe, new planting would help soften landscape impact

## **Representations Received**

Four letters of objection have been received, including one from the ward councillor Wren.

Councillor Wren objects for the following reasons:

1. road safety, due to it being sited on a bend, set lower than the main road, potential for mud to go on the road, the bend has had minor accidents before, applicant has claimed that new access is safer than previous access but this was on a straight section of road so would be safer
2. incorrect information, applicant claims that it is a re-establishment of a pre-existing access but the councillor notes having lived in the area since 1986 there was no access except for wooden hurdle in hedge and significant drop in levels between road and field behind it
3. misleading statement, applicant has stated that existing access has no hardstanding but until the new works there was no hardstanding at the new entrance either and with a 1.5m drop a significant ramp has to be created
4. environmental damage, the field accessed by the new entrance is north facing and steep and the applicant has switched from pasture to arable leading to surface run-off increasing flood risk, with the new track acting as a conduit for water, there was no EIA for the conversion from pasture to arable and hedges have been cutback which are ancient maybe legally protected.

Three further letters have been received objecting for the following reasons:

- Historically this has been an access point with hurdle, not a highways access
- Historically the access lead to a Drovers Pathor Lane, not a vehicular track. The destruction of Drovers path which should have involved County Archeologist before proceeding with works.
- There is a 5 foot drop between road level and land behind the road
- Road safety would be adversely affected by the proposal as the road is used as a 'rat-run'
- Drainage issues

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM2 - TD CORE STRATEGY - DEV,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **Local finance considerations**

No local financial considerations

## **Determining issues and considerations**

This application relates to works to create an entrance to field which was formerly pasture and now arable to access the field from the B3187 to the north-west of Milverton. The application is retrospective as works have already taken place and the works have removed a section of hedge and created an entrance with regrading of the land to make a ramp as there is a drop between road level and the field behind. The application would also include the removal of an existing access point to the B3187 which is located approximately 200m north-west of the development site.

The central issues related to this development are the principle of development, impacts on the highway in terms of safety, and landscape impacts from the works that have been carried out and from any proposed landscaping such as the planting of new hedgerow.

### **Principle of development**

The principle of development is affected by policies in terms of general development management, those specific to transport, and to the landscape and setting of the development in question. In terms of the adopted Core Strategy policy CP1 g. states that development must be assimilated into the landscape and have no overriding adverse impacts on amenity and traffic generation. Policy DM1 b. states that development must not lead to road safety problems or environmental degradation, and DM1 d. that the appearance and character of the affected landscape and street scene must not be unacceptably harmed by the proposed development. Policy DM2 states that agriculture related development will be acceptable provided that there are no adverse impacts on road safety and the landscape and ecology. The proposed development is acceptable in principle and in compliance with policies CP1, DM1 and DM2 of the adopted Core Strategy.

## **Highways and safety issues**

By far the most important issue in relation to this application is that of road safety and traffic impacts. The proposal is for the retention of works to create a new highways access on to the B3187, located west of Milverton, appropriate landscaping works and the closure of the existing access located further to the west on the B3187 road. The proposed access is to the north side of the road on the eastbound route and immediately before a bend in the road as it approaches the settlement limits of Milverton. Although within a section designated to be a national speed limit zone, in this case 60mph, due to its proximity to the bend in the road cars approaching Milverton from the west travelling east would be likely to be slowing down and/or braking at this point. Travelling out of Milverton to the west, on the other side road from the access point, vehicles would have passed through a 30mph and on to a bend before entering the 60mph zone and would be unlikely to have gained much speed at this point. It is of note that the application claims to have adhered to 2.4x188m visibility splays (in accordance with recommendations for unclassified roads) not the stipulated 2.4x215m for classified roads. However the consultation response from Somerset County Council highways has noted that whilst the decreased distance indicated on the plans (188m instead of 215m) is 'sub-standard' it is still a 'betterment' when compared to the existing access which does not 'provide the same level of visibility' as the proposed access. Therefore given the advice from Somerset County Council the proposed access is acceptable subject to the recommended conditions suggested in the consultation response. The suggested conditions include one to limit use of the proposed access to agricultural purposes only. This condition would limit impacts on the highway and traffic and it would not therefore be likely to have any significant impacts on traffic and trip generation resulting from approval being granted. The Highways response has requested conditions for drainage away from the highway however as the land falls away from the highway this would not be required. The proposed works (which have already occurred) include the removal of trees, hedges and plant materials around the access which has significantly improved visibility. The proposal includes a widening of the access and the provision of new hedgerows to be planted next to the access point but setback. These would, provided they were well maintained and regularly cut, ensure that visibility splays are kept in place and prevent unwanted weeds and trees from growing and blocking sight lines to the access point.

## **Landscape impacts**

The application is for the retention of works which have largely already taken place including the removal of substantial sections of hedgerows and trees located adjacent to the B3187. This has left the site looking barren and out of character with the surrounding landscape and street scene. However the applicant has proposed new planting of hedgerows along the road frontage and around the access point which would partially ameliorate the impact of this cutting back of the previously existing hedges and trees. Subject to a condition for new landscaping works the proposals are acceptable.

## **Conclusion**

This application for the proposed retention of works undertaken to create a new access for agricultural purposes with landscaping works is acceptable subject to the conditions outlined above. Whilst there have been questions raised about highway safety the advice from Somerset County Council highways stated that the proposed new access would be a 'betterment' over the current access arrangements and therefore it is acceptable and 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 Alex Lawrey**

24/15/0054

HORIZON PARTNERING LTD

**Replacement of boundary wall at Jarveys Cottage, 16 Stoke Road, North Curry  
(retention of works already undertaken)**

Location: JARVEYS COTTAGE, 16 STOKE ROAD, NORTH CURRY,  
TAUNTON, TA3 6LR

Grid Reference: 332167.125323

Retention of Building/Works etc.

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Condition(s) (if applicable)**

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

(A2) Drwg 071507-HOR-WALL-01 Elevations and wall layout

(A3) Drwg 071507- HOR-LOC01A Location Plan

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

2.
  - (i) Prior to the end of March 2016 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 conservation area in accordance with Policy DM1 and CP8 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 and has imposed planning conditions to enable the grant of planning permission.

## Proposal

Planning permission is sought to retain a boundary wall and vehicular access which have been re-positioned within the Applicant's garden. The resulting area of garden from where the wall has been moved along Manor Lane and the existing grass verge have been tarmaced.

The east elevation of the wall fronting onto Manor Lane measures 1000mm at the point of access reducing to 800mm to the remainder of the east elevation and along the north elevation facing onto Stoke Road. The wall is finished in natural stone with raised spaced copping stones along the top. The planting within the front garden has been removed and the garden partially cleared.

## Site Description

Jarveys Cottage is a substantial property located within the North Curry Conservation Area on the junction of Manor Lane and Stoke Road. It is finished in render under a tiled roof and has the benefit of a lean to extension to the side with a flat roof porch to the front. Prior to the works being undertaken to reposition the wall the front garden had the benefit of mature planting and some small trees. Stoke Road is a class 3 road and Manor Lane is an un-made up private lane. There was a grass verge along Manor Road which has been replaced.

## Relevant Planning History

No planning related history.

## Consultation Responses

*NORTH CURRY PARISH COUNCIL* - North Curry Parish Council objects to this retrospective planning application and asks TDBC to ensure the wall is re-instated in its original position and to its original heights, with appropriate landscaping to replace the planting that has been lost. They would like to make the following observations:

1. The wall was generally 1m or more high (see view 3 of the original wall – application drawing 071507-HOR-WALL-01) and is now significantly lower (by as much as 48cm), it has also been moved back a significant distance (as can be seen by the location of the Wessex Water valve markers which now sit some 1.48m and 1.35m in front of the wall rather than abutting it).
2. The repositioning of the wall has brought the exit of Manor Lane in closer alignment to the road opposite (The Fosse), potentially resulting in a more dangerous junction. The change in the Manor Lane exit location has also been exacerbated by the basic grade tarmac which has replaced the grass

verge abutting the wall along Manor Lane, (again without permission and in a conservation area).

3. The repositioning of the wall along Stoke Road has resulted in a wider grass verge, in the centre of which are two Wessex Water valve markers. These were formerly against the wall but could now present a trip hazard to pedestrians seeking refuge from traffic along this unlit road.
4. The complete destruction of this mature garden and lowering of the wall has destroyed the rural character of this part of the Conservation Area.
5. The Parish Council is disgusted that the owner/applicant, who is an experienced architectural consultant, blatantly ignored planning rules applying to properties in a Conservation Area resulting in a negative impact on the character and appearance of this formerly rural scene (see before and after photos a & b enclosed).

*HERITAGE* - The original wall would appear to have been a relatively recent construction, probably coeval with the house and not on the line of an earlier boundary wall. Its intrinsic historic value is therefore limited. That said, as a traditional stone wall, albeit of a low height, it does make a positive contribution to the character and appearance of the conservation area.

While the wall helps to define the junction of Manor Lane and Stoke Road, its precise alignment is not crucial to the contribution it makes to the conservation area. The resulting tarmac strip and loss of vegetation cannot, however, be seen as positive changes, although these are not subject to conservation area control. As the replacement wall is of the same appearance as the former wall and broadly on the same line, were the grass verge to be reinstated the net effect of the works on the character and appearance of the conservation area would be neutral.

*LANDSCAPE OFFICER* - It is unfortunate that the works were carried out without consent. Looking at the photos, it is clear that, along with the realignment and lowering of the wall the entrance of Manor Lane has been widened and a certain amount of mature planting removed. All these elements have a detrimental impact on the landscape character of this part of the conservation area.

I agree that the works were probably carried out to complement the planning application for new houses in the Paddock at Manor Farm.

If retrospective planning permission is granted then replacement planting should take place in the front garden.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to standing advice.  
The boundary wall is aligned to give the required visibility.

## **Representations Received**

Ward Cllr Stone comments -

I agree with many of those who have objected to this application that there is an ulterior motive for this retrospective application which is to provide a more

acceptable visibility for the current application for 5 houses next to the listed Manor Farm. This approach is guaranteed to encourage the hostility of the local community towards the both the unwanted change to the local street scene and the associated housing application. The new wall is considerably lower than the original and no longer matches the surrounding environment within the Conservation Area. Now that the wall has been rebuilt on a new line I cannot see any advantage in of asking for it to be rebuilt on the original line. I feel however that the wall should be increased in height to match that in the former and remaining street scene. To put the wall back of the former line would make the junction more dangerous for the 4 existing householders and the 4 households who will live in the barn conversions taking place at Manor Farm. The visibility to the right on exit of Manor Lane remains inadequate and dangerous and this is just one reason why the new application for 5 houses should be rejected outright.

32 letters have been received raising concerns with regards to the application.

Many letters refer to facts that are not related to planning, in terms of the demolition of the wall and its repositioning has been carried out, the breach of planning laws and the destruction of the former owner's garden.

- The remainder of the letters raise objections in terms of the removal of the wall and vegetation in the front garden and grass verge which therefore impacts adversely on the Conservation Area,
- the junction becomes unsafe due to it being a staggered junction after the repositioning.
- the fire hydrant creates a hazard,
- The wall has not been pointed with lime mortar but cement has been used which does not preserve the conservation area and the wall has been demolished to improve the access and visibility in relation to a planning application for 5 dwellings further along Manor Lane.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

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

## **Local finance considerations**

Not applicable in this instance

## **Determining issues and considerations**

The existing boundary wall has been re-positioned within the Applicant's garden. The height of the wall, its design and the use of reclaimed materials used in its rebuilding, reflect the original wall. The main consideration therefore, is the impact that the re-positioning of the wall and the removal of the existing vegetation has on the Conservation Area.

Applications for development in a conservation area must be considered with regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". The Conservation Officer has raised no concerns with regards to the new position of the wall and is of the opinion that the repositioning of the wall will have a neutral impact on the Conservation Area.

Whilst objections have been received with regards to the demolition of the wall without planning permission and that the works were carried out in conjunction with an application for the erection of 5 dwellinghouses along Manor Lane, these are not matters that can be considered during the decision process of this application. In addition, the removal of the vegetation from the existing garden is not a matter that can be controlled, unless there are trees in the conservation area. The removal of the vegetation has been considered and a condition has been imposed on the application which requires the replanting of the garden area to help restore the garden and ameliorate the impact on the character of the conservation area.

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

**Contact Officer: Mrs S Melhuish**

45/15/0014/A

MR & MRS AYRE

**Display of 3 No. non-illuminated directional signs at Lower Toollands, New Road, West Bagborough**

Location: LOWER TOOLLANDS, NEW ROAD, WEST BAGBOROUGH,  
TAUNTON, TA4 3EP

Grid Reference: 315721.132619                      Advertisement

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## **Recommendation**

### **Recommended decision: Split Decision**

The two directional signs 1 & 2 as per submitted dwg. no. TJA-3-15-030, dated 1, Dec 2015 (reading Quantock Camping & a series of detachable symbols) are proposed to be located in a prominent elevated position on a principle highway (A358), at the point of the junction with the road into West Bagborough and close to a very tight bend. As such these signs are refused on highway safety grounds and by virtue of undue impact on public safety. As such, these proposed adverts would be contrary to paragraphs 67 and 68 of the National Planning Practice Guidance on advertisements, and are also contrary to saved Local Plan Policy EC26, and Emerging Policy D3 and the NPPF.

### **Recommended Condition(s) (if applicable)**

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: In accordance with the provisions of Schedule 2 of the Town and Country (Control of Advertisements) (England) Regulations 2007.

2. No advertisement shall be sited or displayed so as to:
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: In accordance with the provisions of Schedule 2 of the Town and Country (Control of Advertisements) (England) Regulations 2007.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: In accordance with the provisions of Schedule 2 of the Town and Country (Control of Advertisements) (England) Regulations 2007.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In accordance with the provisions of Schedule 2 of the Town and Country (Control of Advertisements) (England) Regulations 2007.

5. Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the provisions of Schedule 2 of the Town and Country (Control of Advertisements) (England) Regulations 2007.

#### Notes to Applicant

1. The smaller site name directional sign 3(dwg. no. TJA-3-15-03, dated 1/12/15) is hereby approved.

The two larger directional signs 1 & 2 at the main road junction with the A358 and West Bagborough Road are refused.

## Proposal

Display of 3 no. non illuminated directional signs. Two are to be erected at the junction of the A358 main County route and New Road West Bagborough. These two signs Sign 1 and Sign 2) are proposed to measure a width of 1350mm x 700mm high with black lettering no more than 100mm high on a white background with a series of four detachable icons depicting tents shepherds hut, caravan and pods/lodges on each sign (as per dwg TJA-3-15-). The remaining single sign (sign 3), would be 1100mm wide and 650mm tall, and have black lettering (100mm high) on a white background, and would be erected on the right hand side of the existing campsites entrance.

## Site Description

The site lies to the south of West Bagborough, outside of the Quantock Hills Area of Outstanding Natural Beauty, forming the corner with New Road and the main A358.

The existing site comprises of a residential property, subject to an agricultural tie surrounded by grassed garden/field areas to the north, west and east.

An area of trees in the south-east area of the site is subject to a Tree Preservation Order. The applicant has recently removed several small birches along the southern roadside boundary and has also formed a raised bund/bank inside this boundary and planted evergreen shrubs and trees in order to screen the campsite and reduce the passing traffic noise.

The site shares an un-made access with Parkgate House and The Combes, plus a complex of five timber and tile holiday chalets. The track also serves a few residential properties to the north-west of the holiday units. The site was formerly understood to have been used as a plant nursery and well established trees line the roadside boundaries.

## **Relevant Planning History**

Planning permission was initially granted for the four holiday units in the north of the site in June 2007 (application 45/06/0025), with an amended scheme granted in October 2007 (application 45/07/0018). A further application in 2008 sought to amend the wording of the condition limiting the occupancy to holiday units (application 45/08/0007) which was approved on 22/7/08. Planning permission for a single storey extension and alterations to the staff accommodation was refused in November 2011 (application 45/11/0022) and subsequently allowed at appeal. A further planning application on the same site for the demolition of the staff accommodation and erection of the holiday chalet was refused in May 2012 (application 45/12/0005). Planning permission was subsequently permitted for an additional holiday unit in March 2013 (application 45/12/0026). In addition, various planning permissions have been granted over the years for the retention of various horticultural buildings and polytunnels at the site.

A second associated application ref 45/15/0015 has also recently been submitted for proposed alterations to the existing campsite layout together with the erection of two additional timber pods and the erection of sound reducing fencing.

## **Consultation Responses**

WEST BAGBOROUGH PARISH COUNCIL - The PC objects to the siting of the large double-sided sign at the junction of New Lane and the A358 on the following grounds.

- Highway Safety on what is a dangerous junction.
- Visual distraction.

*ECONOMIC DEVELOPMENT* - No comments received on these adverts.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The Highway Authority would have no objection to the sign proposed at the site entrance however, the advanced

directional signs especially in the position in close proximity to a junction and poorly aligned section or carriageway is considered likely to result in additional highway dangers.

I would recommend that this application be refused on highway ground for the following reason(s):-

The proposed advertisement would be contrary to paragraphs 67 and 68 of the National Planning Practice Guidance on advertisements in that it would be prejudicial to highway safety insofar as it invites drivers to turn, but is sited so close to the turning that there is insufficient time to signal and turn safely.

*LANDSCAPE* - Could the signs be smaller in size? Is there a reason why two signs are required at the road junction?

*THE QUANTOCK HILLS AONB SERVICE* - We note the comments made by your Landscape Officer and agree with the question over the size and number of signs. We have written to Taunton Deane in the past regarding the cumulative impacts of signs along the main arterial routes leading to and bordering the Quantock Hills. Whilst.

We have no guidance related to this issue we would hope that your assessment will consider the sensitivity of the AONB landscape and only approve signs that will not detract from the nearby protected landscape. It is very difficult to make any comments regarding the appearance of the signs based on the images provided other than to note that the entrance to West Bagborough village has a Quantock Hills AONB village cast iron gateway sign (also Black and White).

Without making a site visit I am unable to remember if this sign would be seen in the same view as any of the 3 of the applicant's proposed signs, if it does please consider whether the proposed signs would distract from this important iconic sign that marks the entrance to the Quantocks in this location.

## **Representations Received**

Two representations have been received from members of the community.

One from a near neighbour, raising objections to the commercial directional signs being displayed on the corner of New Road and the main road as they distract driver attention from more important speed restriction signs around this dangerous right hand bend. There have been a number of accidents on this corner junction over the last 33 years and non-transparent signs may add to driver confusion.

The second representation was anonymous but raised the same points.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

EC26 - TDBCLP - Outdoor Advertisements and Signs,  
NPPF - National Planning Policy Framework,

## **Local finance considerations**

### **Community Infrastructure Levy**

Not applicable in this case.

### **New Homes Bonus**

Not applicable in this case.

## **Determining issues and considerations**

The Town and Country Planning (Control of Advertisements) Regulations 2007 indicate that the power to control advertisements must be exercised in the interests of amenity and public safety only.

### **Impact of the advertisements on amenity**

#### *Sign 3, double sided campsite name sign*

The proposed double sided Campsite sign will be erected on the right-hand side of the existing access track, to replace a much smaller existing sign within the existing boundary hedging. It will not have significant impacts on the rural character of the area as there currently exists a timber post and rail fence along the internal northern boundary and a layered low hedge boundary alongside the north western boundary and trees forming an existing woodland walk. The proposed advert is in keeping with the area by reason of the design, scale and colour and size (1100mm x 650mm). It will have a white background and have black lettering of 100mm high. The sign will not be illuminated.

The position of this proposed signage is within the applicant's private land on the opposite side of the existing shared access and will not have any significant impact on existing residential amenity in the area.

*Signs 1 & 2, on right side of New Road at junction with A358.*

This proposed 'V' configuration as shown on dwg. no. TJA-3-15-03 is to be located on the right hand bend at the junction of the A358 and New Road to West Bagborough.

It is considered that the proposed advertisements would not particularly be in keeping with the rural location and it is noted that there are no other (authorised) signs in the immediate vicinity except for the two directional highways signs for West Bagborough. These signs would have an impact on the character and appearance of the area at the entrance of the village, but the site is not located within the Quantocks AONB. There is an accumulative impact with other existing signage at the junction which would contribute detrimentally to the impacts on the sensitivity of the amenity of the area. However, it is understood that these other signs are not authorised. In conclusion, because the signs are relatively small, are not within the AONB, are not near any public footpaths or other public viewing positions and will not be illuminated, it is not felt that it would be reasonable to refuse them on the grounds of amenity impact.

### **Impact of the advertisements on public safety**

*Sign 3, double sided campsite name sign*

This Campsite sign will not have any significant impacts on public safety and will be erected on private land in the applicant's ownership and is therefore acceptable with both local and national policy.

*Signs 1 & 2, on right side of New Road at junction with A358.*

These non-illuminated signs are proposed to be located in a prominent elevated position on a busy junction from a tight bend on a major route. It is considered that the siting of the signs in close proximity to the junction in a poorly aligned section of the carriageway would result in additional highway danger and a harm to highway safety. Therefore, these signs are contrary to national and local policy and are refused advertisement consent.

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

**Contact Officer: Sue Keal**

45/15/0017

MR M AMBLER

**Change of Use of land to mixed agricultural/tourism use with siting of 4 No. shepherd huts and associated facilities with erection of building for mixed agricultural / tourism use on land to the west of Tilbury Farm, West Bagborough Road, West Bagborough**

Location: TILBURY FARM, WEST BAGBOROUGH ROAD, WEST  
BAGBOROUGH, TAUNTON, TA4 3DY

Grid Reference: 317498.133447 Full Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The proposed development by virtue of its intensification in use, exterior lighting, the erection of a permanent mixed use tourists storage building/agricultural barn and creation of parking areas and new gravelled tracks would have a detrimental impact on the landscape and character of the Quantocks AONB. The proposed development would be contrary to policy DM2 'Development in the Countryside', 3. c. 'Holiday and Tourism' as increased visitors to the site and the partial change of use from pasture land to mixed use pasture/tourism would cause significant harm to the natural and man-made heritage, and it is also contrary to the NPPF paragraph 115 which notes that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty'.

### **Recommended Condition(s) (if applicable)**

Notes to Applicant

## **Proposal**

The proposed development is for a change of use of land from agricultural fields to mixed agricultural/tourism, including the siting of 4no. 'Shepherd Huts', improvements to the existing green track through the introduction of further permeable hardcore surfacing for both the existing track and a proposed parking area, regrading of the land and erection of mixed use agricultural/tourism store and facilities building. The proposal would entail minor works to the highways access, which may or may not be on land owned by the applicant (some dispute between SCC and applicant over land ownership on small parcel of land between gate and

road).

## Site Description

Two well established pasture fields bordered by Beech tree bank to south-west. To the south-east of the site is a small wooded area. Current access is provided through a five-bar gate off of the metalled road leading between West Bagborough and Cothelstone. It is part of the Tilbury Farm where the main residence and several converted barns and other buildings are located approximately 200m to the east. The site occupies a land area of approximately 4.45 hectares. It is on steep slope facing south-west, with land rising to the north/north-east on a notable escarpment. The site is located within the Quantocks AONB and is identified in the Landscape Character Assessment. There are extensive views from the site to the Blackdown Hills and over the valley below the Quantock Hills

## Relevant Planning History

45/12/0012 - change of use of ancillary accommodation from B'n'B to self-catering holiday accommodation – conditional approval - 5/10/2012

45/12/0020 - change of use of land to equestrian with manege, carport, stable etc - conditional approval - 8/1/2013

45/14/0001 - change of use of part of barn to holiday accommodation and first floor office extension and installation of 16 ground-mounted solar panels) - conditional approval - 28/3/2014

45/15/0013/AGN - prior approval agricultural building - prior approval not required - 17/11/2015

## Consultation Responses

*WEST BAGBOROUGH PARISH COUNCIL* - comment as follows:

The Parish Council is very concerned about allowing 'change of use' for this important area of agricultural land which is very typical of hill farm pasture on the highest levels of the Quantock Hills. There are also concerns about risks to health arising from the continued use of the ground for grazing alongside the accommodation facilities. The Parish Council has outlined their concerns below and hopes that Officers will be able take note of and carefully consider these when making their decision

Whilst the current proposals are small scale the Parish Council remains concerned that once 'change of use' is granted then further larger scale development will inevitably follow and completely change the local environment. In their 2006 report (The Historic Landscape of the Quantock Hills) English Heritage say "The historic

landscape of the Quantock Hills is rich, diverse, surprising and beautiful. Its conservation and management, informed by an enhanced understanding, must be one of the priorities for the Quantock Hills in the 21st century.”

The site of Tilbury Farm is, without doubt, an important landmark area of the higher slopes in the Parish and should be protected from inappropriate development that would extend non-agricultural use into the hitherto undeveloped higher slopes of the Quantock Hills AONB.

Whilst traditional Shepherds huts would have been seen on the Hills they would only have been in use during sheep raising and lambing periods. They would often be moved around from field to field and not left in one place all year. So whilst visually correct their fixed presence and use all year round is not typical.

The accompanying drawings show that there is an intention to continue grazing on the fields and yet there is no mention of the risks to visitors arising from E-coli 0157 if grazing is to continue. This significant risk to health illustrates the conflict between agricultural and tourist use of the land.

The Parish Council is, therefore, surprised that it has not been mentioned in any of the documentation.

Public Health England explains that “The main reservoir for VTEC is cattle and other ruminants. Transmission to humans occurs through:

- consumption of contaminated food or water
- exposure to a contaminated environment involving direct or indirect contact with animals or their faeces”.

Furthermore, various guidance from tourist and leisure industry guidelines includes references such as:

“Because grazing animals can pass the organism in their dung without becoming ill, owners cannot identify which animals or environments pose a danger to health. Since children are particularly at risk, precautions must be taken before public events or camping on land that has been used, even temporarily, by grazing animals. Animals should be cleared, dung removed and grass cut, at least three weeks before any recreational events.”

*THE QUANTOCK HILLS AONB SERVICE* - comment as follows:

The Quantock Hills was the first landscape in England to be designated as an Area of Outstanding Natural Beauty (1956). The primary purpose of AONB designation is the conservation and enhancement of the landscape’s natural beauty. The Quantock Hills AONB Service, on behalf of its Joint Advisory Committee, undertakes its work according to this primary purpose – to ensure this beautiful and nationally protected landscape remains outstanding now and into the future.

The above application is of interest to the AONB Service as the proposals are within a visually sensitive part of this nationally protected landscape, in an area of very strong landscape character.

The AONB Service is concerned about the potential impacts of this development on both visual amenity and landscape character. We therefore request that the following points of concern be duly considered as part of your assessment. We make this request to ensure that this application only be approved where it is clear that there will be no adverse impacts on this very special place.

We recognise the importance of the tourist industry to the local economy but it is essential that the very reason for people wanting to visit The Quantock Hills is not compromised by the provision of facilities to support this economic driver.

Whilst the AONB Service has a duty to consider social and economic issues, the primary purpose of AONB designation is to conserve and enhance the natural beauty of the Quantock Hills and our comments reflect this statutory duty. The NPPF has a presumption in favour of sustainable development but it makes particular allowance for protected sites (paragraph 14, footnote 9) – clearly stating that policies indicate development should be restricted in Areas of Outstanding Natural Beauty. As such, a presumption in favour of development is not immediately applicable to this application.

Points of concern:

1) Steep hilltop pastures are a key characteristic of this part of the AONB and the AONB Service would be concerned to see the landscape being taken out of grazing (if this were to occur) as this would lead to a change in character regardless of any visual impacts (which are a related but separate issue). The proposed location may not be highly visible (as indicated in the planning statement) but that does not mean the character of the place will not change. This must be given due consideration in line with Taunton Deane's Policy EN12 - Development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas.

Related to this, your own Landscape Character Assessment makes specific reference to the areas of pasture around Tilbury Farm in its description of the 'Quantock Hills Wooded Escarpment' and we ask that you adhere to the Landscape Strategy for this landscape which states that: "the principle landscape strategy for the character areas is to conserve the balance and simplicity of the land cover and land use – the blanket woodland interspersed by areas of pasture - and to maintain the character of limited settlement within the landscape ... Importantly it is essential to conserve the drama of the scarps (by preventing, for example, features and elements associated with lower-lying landscapes (such as the adjacent vales) from spilling up onto the slopes and diluting the sense of arrival onto the scarps and the striking contrast in character". With this in mind we ask you to consider the appropriateness of increasing activity and people presence in this very rural part of the AONB and how the introduction of features - the huts, lighting, parking, an access track and the general increase in activity - would affect the simple character of the hill pastures in this location. We note there is an intention to retain grazing around the huts but the provision of an access track and parking areas are likely to bring a marked change to the pasture.

2) We are not able to find a topographic map as part of the application and

given the sloping nature of the ground at Tilbury Farm, there is a clear suggestion that cutting and/or levelling of the land may be required in order to provide a level base for proper siting of the huts. Please can you determine if this is the intention and, if so request details. Artificial cutting and moulding of the land within the AONB can adversely affect the character of the landscape even if it is small scale. We are aware that a ménage was permitted at the site and as such we are concerned by the cumulative effects of changing the natural shape of the Quantock landscape at Tilbury Farm. It may be that there is no requirement for shaping the land but we have not been able to determine this from the application.

3) Will the shepherd's huts lie directly onto unmade ground or is there an intention to provide loose material or hard standing? We ask that this be clarified.

4) It is unclear how the required area for agricultural storage can (as soon as permitted development is granted) be considered immediately dispensable in order to provide a linen store/refuge store/bike store and shop facilities to support the tourist business at the site. Whilst the planning application states a small area is being sacrificed to provide these facilities, the plans indicate a large proportion (over a third) of the building would be used to support the tourism business. Permitted Agricultural Development can have significant adverse impacts on visual amenity. We are very concerned therefore if permissions are being granted when they do not appear to be required. We ask that consideration be given to this point and also any potential changes to visual impacts as a result of the building being reversed (as is proposed).

5) We are very concerned about the increased lighting at the site. Whilst the application states that lighting will be largely restricted to internal areas, the huts and the proposed store area all have windows and as such light will be emitting from these openings. Consideration will need to be given to the impact of five new sources of lighting in this part of the AONB. We are concerned that increased lighting at the site will have an adverse impact on dark skies in this location and also on wildlife.

6) The planning application states that "owing to topographic features / siting, aside from distant views the hut locations are not believed to be visible from any notable public vantage points" (2.14.2). We have not undertaken fieldwork that disputes this but Tilbury Farm is visible from considerable distance because of its prominent position on an escarpment. As such it would be useful to understand which public vantage points have been considered as part of the site assessment and information provided to TDBC to support this statement (even if the huts themselves are discreet in views, lighting may not be).

7) Whilst reference has been made to the application site occurring within the AONB, no specific aims and objectives from the current AONB Management Plan (2014-2019) have been highlighted in the planning statement. Some of the relevant extracts from the Management Plan are provided below – please ensure these are considered when assessing the application.

Pg 7. One of the Quantock Visions (for next 20 years): Sustainable levels of Quantock tourism and recreation maintain public enjoyment of the AONB and

contribute to the local economy without harming landscape, historic environment, biodiversity or tranquillity.

Pg 21. SEO3: Reinforce and protect the rural and historic character of the agricultural landscape with its distinctively sparse settlement character, scattering of isolated farmsteads, tiny hamlets and small villages.

## 2.1 Landscape Quality

Opportunities and threats:

Cumulative loss of landscape features, tranquillity and character due to on-going small-scale conversion, change of use and development activity.

## 2.7 Visitors, Access and the Local Economy

Aim – that sustainable levels of Quantock tourism and recreation maintain public enjoyment of the AONB and contribute to the local economy without harming landscape, historic environment, biodiversity or tranquillity.

It is clear that there are a number of concerns regarding a change of land use in this location – principally related to impacts on special qualities (such as tranquillity and wildlife), on landscape character and on visual amenity. We trust, in line with Section 85 of the Crow Act, that these points will be addressed to ensure ‘duty of the regard’ to the purpose of AONB designation when making your recommendations/decision.

The AONB Service supports small scale developments where they conserve and enhance the nationally protected landscape.

*LANDSCAPE* - comment as follows:

The four traditional shepherd huts, although visible on this prominent and visually sensitive part of the Quantocks AONB escarpment, may not make a huge landscape impact in themselves but the new building, parking area, access tracks and lighting associated with the development could have a detrimental impact on the landscape character of this hill farm pasture field, typical of this landscape character Area of the AONB (10 a Quantock Hills Wooded Escarpment).

To accommodate the agricultural/Tourist building excavations will be necessary which will alter the natural profile of the slope. Artificial moulding of the land could adversely affect the character of this steep hilltop pasture field in the AONB. It is not clear from the drawings if excavations/ground levelling will also be required to accommodate the individual shepherd huts.

I am concerned, that should the development be permitted, it could set a precedent leading to the further development of the site.

It is very important that the field is continually grazed, to retain the strong landscape character of the area. However on reading submitted comments there appears to be a conflict with the leisure use of the site and continued grazing.

*SCC - TRANSPORT DEVELOPMENT GROUP* - no significant issues in terms of traffic impacts (up to 16 vehicle movements per day at peak) and improvements to existing access but may require hedge cutting back to the left of the access point (down the hill towards West Bagborough village) to improve visibility, recommended conditions if permission is granted

*DRAINAGE ENGINEER* - No comments

## **Representations Received**

Nine letters of objection have been received, the main issues highlighted are:

- visual amenity and impact on landscape and AONB
- it would lead to further development
- there would be impacts on residential amenity through noise and light, (and in one letter overlooking issues)
- impacts on highways and increased traffic
- existing tourism and holiday facilities need support and this is development on top of a 'flooded market'
- significant engineering works would be required to provide access and level areas which would be out of keeping with the AONB
- health issues in relation to mixture of uses of the site
- impact on wildlife

Five letters of support have been received including one letter from 'Classic Cottages' who market similar establishments and one from a current employee of the applicants. Main issues are:

- benefits to tourism and local economy
- supporting local employment
- sensitive development which would not have negative impacts on character of the area

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

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

Countryside and Rights of Way Act 2000

Quantock Hills AONB Management Plan 2014-2019

West Bagborough Village Design Statement 2000

## **Local finance considerations**

There are no local financial considerations.

## **Determining issues and considerations**

The main issues in relation to this application are the principle of development, change of use, Quantocks AONB and landscape impacts, biodiversity, highways, drainage, and economic issues

### **Principle of Development**

This application is considered with reference to the relevant national and local policies, notably the NPPF paragraphs 19, 28 and 115, and TDBC Core Strategy policies CP8 'Environment', DM1 'General requirements' and DM2 'Development in the Countryside'. The site is part of Tilbury Farm which has had planning permission granted for the conversion of former agricultural buildings to holiday use in 2012 and 2014, and permission granted for the establishment of a manege and other equestrian related facilities in 2013. The specific site of this application has previously been the subject of pre-application advice (reference 45/15/0001/ENQ) for a change of use to tourism with 'glamping' facilities and storage barn, and access track and parking spaces with regrading the land. There has also been a prior approval application for a new agricultural building (45/15/0013/AGN). The pre-application advice was that the proposed development would be contrary to policy and it would be down to the applicant to demonstrate how it was compliant with policy requirements and how it would be possible to develop the land without causing significant and demonstrable harm to the character and appearance of the Quantocks AONB. It was noted that any planning application would be likely to be refused as the economic benefits of allowing this form in this location would not outweigh the significant harm caused to the AONB. Whilst it must be acknowledged that the pre-application was for a qualitatively, and, to an extent, quantitatively different form of proposed development, as it was for 6 safari tents with a permanent base structure, the proposed development area was similar and the style and impact of the development was clearly directly related to this application.

The pre-application advice is a consideration, accepting the caveat that there are some minor and more significant differences between what was proposed for the pre-application and this application. Policy DM2 'Development in the Countryside' of the Adopted Core Strategy, is supportive of the development of tourist and recreational facilities provided that any new development would not harm natural and man-made heritage, echoed in policy CP8 which states that development on sites outside of defined settlement limits provided that greenfield land is protected and where possible enhanced.

## **Change of Use**

The proposal is for a change of use to mixed use tourism/agricultural use of existing pasture fields which are on a steep slope bordered by Beech banks on some of the sides and currently used for sheep grazing. The proposed use of a mixed use tourism/agricultural has raised objections on health grounds from local residents and the parish council concerned about possible infections caused by tourists using fields which have been grazed and have remnants of sheep droppings which could spread e-coli bacteria. Whilst this is not a significant material planning consideration there are questions about how a field which would be used for grazing part of the year could then be used to provide tourist accommodation without further segregation of the fields to separate sheep grazing areas from tourist/shepherd huts and subsequent pressure for further fencing or other means of achieving an acceptable division of the land between the two uses. Although the current application has not addressed this issue in the submitted information this would ultimately be a management issue if permission for the change of use were to be granted. Issues related to public health would be covered by legislation employed by environmental health officers. The change of use would require engineering works to allow for the creation of an access track (beyond the existing track), a parking area and to level parts of the site to facilitate parking, and the siting of the shepherds huts.

## **Landscape Impact and the AONB**

The proposed development site is situated within the Quantocks Area of Outstanding Natural Beauty (AONB), and under section 85 of the CRoW Act 2000 (Countryside and Rights of Way Act) the planning authority must have 'regard to the purpose of conserving and enhancing the natural beauty' of the AONB. The Quantocks AONB has commented that there several issues of concern in relation to this application:

1. the location at Tilbury Farm is one that is specifically identified in the Landscape Character Assessment as 'Quantock Hills Wooded Escarpment' and in this document the strategy is to preserve the balance and simplicity of steep pasture fields interspersed with wooded areas by preventing features associated with low-lying areas from spilling into the dramatic hillside slopes.
2. The applicant has not included sufficient information about regrading and levelling of the land that would be likely to be required to provide a stable base for the proposed shepherd's huts and for the access track, parking area and storage building. Cutting and moulding the land 'even if it is small scale' changes the natural shape of the Quantocks, particularly when viewed as part of a cumulative process

alongside other developments within the land owned by the applicants.

3. The applicants have not indicated if the huts would stand on unmade ground or on some form of gravel, hardstanding etc, clarity is needed on this point

4. The permitted development of an agricultural building (reference 45/15/0013/AGN) to allow for a new general purpose agricultural building in the same position, similar dimensions etc as the proposed tourism storage/agricultural building appears to show that the 45/15/0013/AGN agricultural building can be 'considered as immediately dispensable in order to provide a linen store/refuge store/bike store and shop facilities', and the AONB states that they are 'very concerned' that 'permissions are being granted when they do not appear to be required'. The AONB also note that such permitted development constructions of agricultural buildings can have severe impact on visual amenity and the landscape

5. The AONB are concerned about the impact of lighting on the site and wider landscape setting which could impact on dark skies and affect wildlife

6. The application notes that due to topography the huts would be visible from public viewpoints, but information has not been provided to support this (applicant has since this date provided photographic evidence to support this claim)

7. No reference has been made to the current Quantocks Management Plan and its aims and objectives

These aims and objectives are also highlighted:

2.1 Landscape Quality, (category: opportunities and threats) which can be impacted by cumulative changes to landscape, character and features due to small-scale changes of use, conversion of buildings and increased human activity

2.7 Visitors, tourism, local economy and access, (category: aims) the AONB would be supportive of sustainable levels of tourism and recreation provided that developments do not harm the landscape, biodiversity, tranquility or the historic environment.

These points have been taken into consideration and similar issues have been highlighted by the Landscape Officer TDBC. The main issue with the development from the perspective of landscape and the AONB is the cumulative impact of all of the development and the intensification of use of the site. Whilst in isolation the four proposed shepherds huts would not have significant detrimental impacts cumulative impacts would be detrimental and significant and would be cause to warrant grounds for a refusal of the application.

## **Traffic and highways**

The application site is served a narrow road, which is single-lane in places but does have an existing access via five-bar gate. The proposal would include improvements to the existing access with cutting back part of the hedgerow to the south-west of the access point. The current access is setback from the highway by approximately 8 metres with a layby between the gate to the field and the metalled part of the road, however there is disagreement between the highways authority and the applicant about ownership of this parcel of land. It may be a requirement for the applicant to enter into a legal agreement with the highways authority if works are required on land outside of the ownership of the applicant. The Highways authority have commented that the proposed development generate an approximate maximum of 16 extra vehicular movements per day which would be acceptable and would not cause significant harm or impacts on highway safety. Therefore there are no grounds to refuse the application over highways issues and if permission were to

be granted the conditions suggested by the highways authority would be appropriate to the proposed development.

## **Drainage**

The drainage officer TDBC has made no comments on the application and there do not appear to be any significant issues with drainage resulting from the proposed development.

## **Economic Benefits**

The proposed development would facilitate increased tourism in the Quantocks AONB and wider region, which would therefore have some economic benefits, principally to the applicants but also to existing and potential future employees and to the wider economy through tourists visiting local shops, cafes, pubs, museums and the like. The West Bagborough Village Appraisal 2000-2002, the most recent survey (other than the national census) of the village and its economic life, identifies 6% of those from the village in paid employment as working in the tourism (hotels, b'n'bs, etc) and a further 22% working in retail/service industries many of which would benefit from an increase in visitor numbers to the area. The Quantock Hills Management Plan notes (section 2.7, pages 36-37) that there is evidence collated over several years to indicate that the majority of visitors to the Quantocks live reasonably local and within Somerset, and are day-trippers rather than staying in any local tourists facilities. These more local visitors do not spend as much in the local economy as visitors from further afield who on average spend approximately 70% more. The proposed shepherds huts would be primarily serving tourists and visitors from further afield and would be likely to achieve a far greater contribution to the local economy than day-trippers from the Somerset area. There are, therefore, strong economic arguments for supporting the application and letters of support have been received from a current employee of the applicants and from the operators of small businesses (eg pubs) in the locality which note the positive impact that the increased provision of tourist accommodation would have on their enterprises.

## **Conclusion**

The Quantock Hills Management Plan notes "a significant element of the changes development bring is the cumulative effect of comparatively minor developments... over time a series of such changes can alter the character of the wider area" (QHMP p.13). This is the central issue with the proposed development, whilst it is acknowledged that the shepherds huts, by themselves would not cause significant impacts on visual amenity, and viewed in isolation would not fundamentally change the character of the area or the landscape, when seen cumulatively the proposals could have a detrimental impact on the special character and qualities of the AONB.

The proposed development is multi-faceted including the provision of several access tracks with (permeable) hardcore surfacing, a designated parking area with gravel surfacing, works to regrade the land to level it up, works to existing banks, a new dual purpose building which would have both agricultural and tourism functions, and

the siting of the four shepherds huts. The proposed huts have been sited with sensitivity and are well screened by the existing topography, tree cover and hedgerow, and if the application was just for these four huts the proposal would be acceptable. However when seen cumulatively with the subsidiary development of access tracks, levelling and regrading the land, the erection of an agricultural and tourism storage building, creation of a parking area, and the requisite internal and external lighting, there would be significant impacts on the character of this part of the AONB and on the landscape.

Whilst economic development is supported in principle through local (DM2) and national (NPPF) planning policies this is subject to the caveat that development must respect the special character and national significance of the Quantock Hills AONB and must not harm its landscape, biodiversity, character or tranquility. Some weight has to be given to the prior approval granted (under reference 45/15/0013/AGN on 17 November 2015) for an agricultural building within the proposed development area of this application, however it is noted that the Quantocks AONB commented that very shortly after the granting of this prior approval part of the building was 'considered immediately dispensable in order to provide' for tourism related facilities, and the AONB further commented that permitted agricultural developments can have severe impacts on landscape and visual amenity. So whilst the permitted development rights to build a purely agricultural storage building within this site are acknowledged (45/15/0013/AGN) and are a material consideration they only have limited weight attached to them as regards the decision on this application. The economic arguments in favour of the application do not outweigh the harm caused to the designated AONB landscape and character

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

Contact Officer: Mr Alex Lawrey

49/15/0044

GADD PROPERTIES (SOUTH WEST)LTD

**CHANGE OF USE FROM BUILDERS YARD TO RESIDENTIAL AND ERECTION OF EIGHT SEMI-DETACHED DWELLINGS WITH ASSOCIATED ACCESS ROAD AND PARKING AT STACEY'S YARD, MILL LANE, WIVELISCOMBE**

Location: STACEY'S YARD. MILL LANE, STATION ROAD, WIVELISCOMBE,  
TAUNTON

Grid Reference: 308464.127551

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Conditional Approval subject to**

- a) The applicant entering into a S106 agreement to secure a contribution of £6,312 (index linked) towards enhancing children's play facilities at Lion D'Angers or Nordens Meadow.
- b) The receipt of no further representations raising new issues by 25<sup>th</sup> February 2016 concerning the revised access and parking arrangements for plot 1.

### **Recommended Condition(s) (if applicable)**

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

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

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

(A3) DrNo 2014/05/PL001 Rev A Location & Site Plans  
(A2) DrNo 2014/05/PL002 Rev C Site Layout Plan  
(A3) DrNo 2014/05/PL003 Rev A Elevations, Ground & First floor Plan  
(A3) DrNo 2014/05/PL004 Ground & First Floor Plan Elevations  
(A3) DrNo 2014/05/PL005 Ground, First Floor & Elevations Plan  
(A3) DrNo 2014/05/PL006 Cross Sections A-A / B-B  
(A3) DrNo 2014/05/PL007 Part Site Plan

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

3. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of First Ecology's Preliminary ecological appraisal dated October 2014 and include:
  1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
  2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
  3. Measures for the enhancement of places of rest for, bats and nesting birds.
  4. Details of lighting

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 bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect wildlife and their habitats from damage.

Reason for pre-commencement: Wildlife and habitats could be harmed by construction work, it is necessary for a strategy to be in place prior to the commencement of works on site.

4. Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The details shall indicate that any surface water discharge from the site shall be limited to a maximum 5 l/s and shall include details to prevent the discharge of surface water to the public highway. The approved details shall be implemented prior to the occupation of the first dwelling and shall thereafter be maintained as such.

Reason: To ensure that off-site flood risk is not increased and in the interests of highway safety.

Reason for pre-commencement: The surface water drainage proposals may require areas of attenuation that could impact upon the layout of the development and it is necessary to ensure that acceptable proposals are in place prior to the commencement of development.

5. Prior to the commencement of the development hereby permitted, full details of the on and off-site highway works shall be submitted to and approved in writing by the Local Planning Authority. The details shall show:
  - The proposed estate roads, footways, verges, junctions, street lighting, sewers, drains, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and car parking and street furniture.

- The proposed ground levels of the adjoining car parking area to the north.
- The provision of new 1.8m footways extending the existing footway provision and extending into the site.
- A timetable for providing the various works.

The approved details shall be implemented in accordance with the approved timetable and shall thereafter be maintained as such.

Reason: To ensure that adequate facilities exist for those likely to be attracted to the site in the interests of highway safety.

Reason for pre-commencement: The full details of the highway layout may have an impact upon the overall layout and setting out of the development and must be agreed prior to the commencement of the development.

6. (i) Before any part of the permitted development is commenced, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Details of the species, siting and numbers to be planted.
  - Confirmation of the trees to be protected and measures for their protection.
  - Details of any works proposed to retained trees (including that that any crown raising will be limited to a maximum of 3m)
- (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 existing and new 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.

7. Prior to their installation, detailsa and/or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

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.

8. Prior to the occupation of each of the dwellings hereby permitted, full details of the means of storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that adequate facilities are provided for the storage of cycles in the interests of promoting travel by means other than the private car and to justify a reduction from the optimum parking standard.

9. 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 fences, gates, walls or other means of enclosure that are expressly authorised by this permission shall be constructed or erected without the further grant of planning permission.

Reason: In the interests of the visual amenities of the area.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

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

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

3. The site adjoins potentially noisy uses. If any new residents complain about noise from the the adjoining premises, the Council has a legal duty to investigate these complaints as a potential statutory nuisance. The Council can only require that the operator takes all reasonable steps to minimise any disturbance, which could mean that there are cases where a business has to alter what it does, and others where the new residents have to suffer a nuisance as it is not practical for the business to take any more steps to reduce the noise.

## Proposal

This application seeks full planning permission for the erection of 8 dwellings. They would be provided as 4 pairs of two-storey semi-detached houses accessed from Mill Lane at the northern end of the site. Two parking spaces would be provided for each dwelling; those for plot 1 would be accessed directly from Mill Lane, those for plots 6-8 in a parking area at the southern end of the site and the remainder alongside the dwellings to which they relate. The dwellings would face east, backing on to the existing bank and trees that separate the site from Mill Lane.

The access would be provided from Mill Lane at the northern end of the site. It would be a reconfiguration of an existing access that currently serves the disused builder's yard and office. Instead of the current 'double access' configuration to the two sites, a single access would be formed with a footway along its northern side and access from the new road into the office site to the north.

## Site Description

The site is a disused builder's yard at the southern end of Mill Lane. It is currently overgrown and strewn with redundant builder's materials. There are two redundant storage sheds on site. The site slopes gently upwards towards the north.

The site is accessed from Mill Lane at its northern end alongside an access to an adjoining office building that sits to the north of the site. The adopted part of Mill Lane terminates just south of the existing access and gives way to a public footpath into open countryside and a number of dwellings at Town Mill.

Mill Lane and the footpath falls towards the site faster than the application site, so the separating bank increases in height towards the south. There are a number of trees planted on the bank which are protected by a TPO.

To the east of the site, trees separate the site from the adjoining industrial land. The closest building is a currently vacant abattoir and meat processing plant. The site is part of the former railway line through Wiveliscombe.

## Relevant Planning History

There is no relevant history relating to the application site itself. However, prior approval was given in 2015 for the change of use of the adjoining office building to the north (also formerly part of Stacey's) to residential use under permitted development rights (application 49/15/0058).

## Consultation Responses

*WIVELISCOMBE TOWN COUNCIL* - The Town Council **object** to this application for the following reasons:

- The parking provision in the plans is below the required needs in Wiveliscombe and would result in making much worse around the area of development.

The Somerset County Council adopted strategy states the following provision for new dwellings, to which Wiveliscombe has been identified as a 'Zone B' region for vehicle parking, as stated below.

*5.3. Standards for residential development (ZONE B) 1 Bedroom = 1.5 car spaces; 2 Bedroom 2 car spaces; 3 Bedroom 2.5 spaces; 4 Bedroom 3 car spaces.*

With 8 x 3 bedrooms proposed the minimum parking requirement would be 20 spaces not 16 as allocated in the planning application.

- The close proximity of some of the houses to industry will have a detrimental effect on the quality of life of the residents which may lead to conflict between the historic industry and the residents.
- The Town Council consider that the provision of low cost housing (Normally 25%) is essential to Wiveliscombe. Low costs housing is needed in Wiveliscombe from this type of development.
- The old railway line is mentioned in the local plan and this development will destruct part of this historic line and local asset.
- The proposed development will have a negative impact on wildlife and trees.

## *ECONOMIC DEVELOPMENT –*

### *ENVIRONMENTAL HEALTH – Comments as follows:*

#### *Ground contamination*

Due to the commercial use of the site there is the potential for ground contamination to be present and the proposed residential use is more sensitive to any contamination than the current commercial use. Therefore, I would recommend that the applicant carry out an assessment of the potential risks from contamination and, if necessary, a more details site investigation. I attach a condition that could be used.

#### *Noise/odour from adjacent industrial premises.*

The site is adjacent to an abattoir/meat processing site to the east and other commercial uses in the area to the north. There is the potential for future residents to be disturbed by noise and odours from these sites. I am aware that the abattoir is currently not in use, however it could reopen or the site could be used for other commercial activities. The applicant should provide an assessment of the potential

noise/odours that could come from the adjacent site and show that they are able to design the development so that residents will not be adversely affected by noise or odours.

If the residential development does get approval any future residents would be able to make complaints about the noise or odours from the adjacent site. These could be investigated by the Council as a potential statutory nuisance (unless the site is covered by a Permit from the Environment Agency). If it is established that the noise/odour is causing a statutory nuisance the operators would be required to abate the problem. However, they can only be required to use best practice and the council cannot stop them using the site for its' allowed use. Therefore, there could be the situation where neighbours are being disturbed, but the Council is not able to take any action to resolve the problem. It would be best to ensure that the planning process is used to ensure that this situation does not arise.

*TREE OFFICER* – Comments as follows:

Regarding this proposed development in Wiveliscombe and its effect on the surrounding trees, on the whole I would not object to the proposed tree removals if houses are to be built on the site.

There are currently numerous trees very close together, so a certain amount of thinning is acceptable. None of the trees to be removed are of particularly high value (ie. category 'A'). There will still be a number of established trees around the site once the works have been carried out, and those retained will have more space to become good specimens.

The most significant loss is the three Lombardy poplars, because they are very tall and visible from a distance. However, these are short-lived trees that are prone to splitting out, and the root systems of these particular trees, growing on top of a bank, may not be as extensive as they should be. They are not ideal trees to have close to properties.

I would request that, as part of the landscape plan, a new tree is planted in the area of the three poplars (together with the new hedge that is shown on the plan), to give some screening between properties.

I am concerned that the retained trees are going to cast shade onto the proposed new houses, particular on the east side where group W21 will block morning sun. The problem may be less severe on the west side, as the smaller trees and shrubs are to be laid so that there will be a gap between the hedge and lowest branches of the trees. I would anticipate that new residents will be wanting to carry out further tree pruning soon after moving in.

It is proposed that the retained trees on the east side are crown-raised to 4 metres above ground level. This is on the high side – I would request that the specification is '3 metres above ground level'.

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

The junction that links the proposed residential development to the existing office block is not clearly detailed or included in the red line on drawing number 2014/05/PL002 revision B (the latest amended plan). Instead, a footway is shown on this plan along the front of where the junction is faintly drawn. If the applicant wishes to construct an access to the offices as part of this proposal then it must be shown with greater detail on the plan and within the red line.

As the scheme stands it is assumed by the Highway Authority that no new access to the office area will be created and instead a footway will be constructed along the side of the access road. Further to the above; if an amended plan was to be submitted proposing an access to the offices then, any other development (e.g changing the layout of parking in the office car park) must be detailed and included within the red line.

As highlighted in the Highway Authority's initial response (dated 08<sup>th</sup> September 2015) 'The number of parking spaces must be in line with Somerset County Councils Parking Strategy and so must the dimensions of these parking spaces. Cycle and motorcycle parking must also be included in the plan.'

The proposed number of car parking spaces for the 8 dwellings (despite being below the optimum standards) was considered acceptable by the Highway Authority in previous comments. After taking measurements from the submitted plan drawing number 2014/05/PL002 revision B it is apparent that all the proposed parking spaces meet the minimum dimension requirement of 2.4 metres x 4.8 metres. Furthermore, the parking spaces have the required 6 metres of space in front of them so that vehicles can drive in and out of them without excessive manoeuvring.

It was confirmed during pre-app stage by the highway consultant acting on behalf of the applicant that 'Motorcycle and cycle parking would take place within the curtilage of each property.' No motorcycle or cycle parking has been shown on drawing number 2014/05/PL002 revision B, the Highway Authority trusts that it will be included within the scheme.

The proposed layout of parking spaces for plot 1 has been raised as a concern in previous plans. These spaces have now been moved so that they gain direct access onto Mill Lane with visibility splays to the left and right of 2.4 metres x 25 metres and 2.4 metres x 33 metres respectively. These spaces, as shown on drawing number 2014/05/PL002 revision B, are considered acceptable by the Highway Authority subject to conditions. The existing footway on Mill Lane appears to run in front of where these parking spaces will be. Therefore, an appropriate dropped curb and vehicle cross-over will have to be constructed – this will require a suitable legal agreement.

In addition to this, if the existing footway to the north of the proposed access is to be altered or affected it will need to be maintained at a standard deemed appropriate by the Highway Authority – this will also require a legal agreement.

If permission is granted, recommends conditions concerning visibility, access gradient, discharge of surface water, footway provision along Mill Lane, provision and maintenance of parking areas, submission and approval of technical construction details.

The above decision from the Highway Authority is based on drawing number 014/05/PL002 revision B where there is no clear access to the office building shown and instead a footway runs along the carriageway edge. No works are permitted outside the red line plan (with the exception of works on the highway that will have been formally approved in writing).

*SCC - FLOOD RISK MANAGER* - I note that surface water is to be discharged to soakaway. These should be designed and constructed in accordance with Building Research Digest 365 and made a condition of approval.

Should soakaways prove to be impractical then disposal of surface water should be to the ordinary watercourse to the south of the site in preference to a public sewer. Runoff will need to be attenuated to 2l/s/ha or 5l/s, whichever is the greater.

*HOUSING ENABLING* - No affordable housing is proposed as part of this scheme and therefore Housing Enabling does not support this application.

25% of the new housing should be in the form of affordable homes, which would equate to 2 units. In line with the Affordable Housing SPD, I would consider a commuted sum an appropriate alternative for this site. The commuted sum in lieu of affordable housing on site for the scheme proposed would be £172,650. This would be ring fenced for the provision of affordable housing within Taunton Deane Borough.

*BIODIVERSITY* - First Ecology carried out a preliminary ecological appraisal of the site in October 2014.

As the report was over 12 months old, EPS Ecology carried out a further Assessment of the site in September 2015.

The surveyor confirmed that there had been no significant change from the 2014 report.

Findings of this report were as follows

#### *Bats*

An assessment confirmed that buildings 3, 5 and 7 contained no features which are likely to be used by bats. However buildings 1, 2 4 and 6 were considered to have potential for roosting bats. A roost dusk survey was then carried out. This survey demonstrated that none of the buildings are used by roosting bats but the surveyor identified two species of pipistrelle bat commuting and feeding within the site. Any external lighting associated with the new development should be sensitively designed.

The developer should still take a precautionary approach to demolition of the buildings.

#### *Birds*

In active nests, typical of wood pigeon were observed in buildings 1 and 6.

A sparrow's nest was found in building 6. Swifts were also reported to have bred in building 6 in previous years.

Trees along the western boundary have nesting potential for birds.

Demolition of buildings 1 and 6 and the removal of any trees should take place outside of the bird nesting season

### *Reptiles*

The site provides potentially suitable habitat for reptiles, although the extent of habitat was limited. I support measures suggested by the surveyor to protect reptiles

## **Representations Received**

2 letters of **objection** and 3 letters of **concern** raising no objection to the change of use, but listing the following points:

- Significant concern about construction traffic down Mill Lane.
  - Large vehicles struggle to pass parked cars.
  - If access is proposed via Mill Lane, access to Palace Gardens will be compromised.
  - There is a narrow point where there is also restricted visibility to Palace Gardens.
  - Any changes to parking restrictions will have a significant impact on local residents.
  - It is disappointing that there is no affordable housing; question whether a needs assessment should be undertaken.
  - Sufficient parking is required on site as Mill Lane is already fully utilised by surrounding residents.
  - Contamination must be investigated.
  - There are trees with TPOs, an arboricultural survey is required.
  - The existing poplar trees are established, unique and beautiful.
  - The proposed gardens to plots 7 and 8 are compromised by the trees.
  - The site is close to industry (abattoir); noise/odour impacts must be assessed.
- 
- The layby opposite the site, formerly used by Stacey's, should be made available for residents parking for up to 10 cars and double yellow lines introduced down Mill Lane to allow for the free flow of traffic.
  - Given the location of the site adjoining other industrial land it may be appropriate to retain this site for employment purposes.
  - The existing hedging provides a buffer to the properties in Mill Lane and should not be lowered.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP4 - TD CORE STRATEGY - HOUSING,  
C8 - TDBCLP Development Affecting Disused Railway Tracks & Canals,

Site Allocations and Development Management Plan: A4 (Protection of disused transport corridors).

## **Local finance considerations**

### **Community Infrastructure Levy**

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 £82,000.00 (index linked this equates to approx. £97,000.00).

### **New Homes Bonus**

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

#### *1 Year Payment*

Taunton Deane Borough	£8,633
Somerset County Council	£2,158

#### *6 Year Payment*

Taunton Deane Borough	£51,795
Somerset County Council	£12,949

## **Determining issues and considerations**

The main issues in the consideration of this application are the principle of development, impact on the highway network, impact on the amenity of future residents, design, layout and visual impact and the impact on ecological interests.

### **Principle**

The site is within the settlement limit for Wiveliscombe. However, the acceptability of this development in principle rests on two key issues – the loss of existing employment land and the development of a former railway line.

Policy CP2 of the Taunton Deane Core Strategy seeks to protect existing employment land from development for other purposes. It states that 'proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses...will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site'.

The application states that the site had been marketed for employment development for almost two years. Probing this more deeply, it appears that the site was marketed for around 13 months by the administrators following Stacey's going into receivership. Despite giving no guide price, no offers were made for the site and Stacey's purchased the site back from the administrators, although they no longer required the entire site.

It is fair to say that the adjoining land to the east is allocated for new employment development, it has better accesses and the sites are not so constrained by existing landscaping or nearby residential property, including a new development of flats in the adjoining office building to the north, which will take place under permitted development rights. It is, therefore, considered unlikely that the application site would come forward for employment development in the foreseeable future. This is considered to weigh in favour of the development, reducing the likelihood that the site would be re-developed for commercial purposes.

Policy C8 of the Taunton Deane Local Plan seeks to protect former transport corridors including disused railway lines for recreational purposes such as walking or cycling. Emerging policy A4 of the SADMP revises this policy to seek to protect such routes for a reinstatement to their original purposes. Given the limited objection to this policy, it is considered that it now has significant weight in the decision making process. The transport route in question is the former Taunton to Barnstaple railway. There are currently no known plans to re-open this line. Verbal advice from Planning Policy officers is that a re-opening of the line is only likely (in the distant future) if the entire length to Barnstaple could be secured.

The Milverton bypass has been built on the former railway line and several miles of the North Devon link road between South Molton and Barnstaple are also built on the former line. The railway land and former station site in South Molton has also been redeveloped for major employment development in recent years as have the final stretches of the former route into Barnstaple. At best, significant re-routing of the railway would be required. To the north of the application site, the route is obstructed by existing industrial units, although these are currently relatively low value and need not present a complete obstruction on the re-opening of the line. That said, the office building immediately to the north is likely to become residential under permitted development rights. All taken in the round, the re-opening of the former Taunton to Barnstaple railway on its original route (if at all) seems highly unlikely and not weighty enough to warrant the refusal of this planning application, despite the conflict with Policy A4.

The development of 8 dwellings triggers a requirement for affordable housing. A viability report has been submitted indicating that such provision would make the scheme unviable and the case has been accepted by your officers. It is not considered that the lack of affordable housing contribution makes this particular, small-scale, development unsustainable. The applicant has, however, agreed to make contributions to children's play provision in the locality and this will be secured by S106 agreement.

With regard to the above, it is considered that both the re-use of the site for employment purposes, or the reinstatement of the Taunton to Barnstaple Railway are highly unlikely and in this context, the principle of residential development of this site is acceptable.

## **Highways**

The site is proposed to be accessed from Mill Lane by a re-configuration of an access that currently serves the former builder's yard and office building. The existing footway would be extended into the site before becoming a shared surface road serving the new development.

Two of the parking spaces would be accessed from Mill Lane. This would require the removal of some of the vegetation and part of a stone wall, but given the location at the end of Mill Lane, this is considered to be acceptable visually; adequate visibility can be provided for highway purposes. Within the site, two car parking spaces would be provided for each dwelling. Whilst this falls slightly below the 'optimum' standard in the County Council's parking strategy, it is considered to be acceptable in this location. No motor cycle parking is detailed, but this is not considered fatal to the scheme and cycle parking can be secured by condition.

The new road would also have to maintain access to the office block to the north and this is proposed to be provided as a footway crossover access into a reconfigured parking area. The ground levels would have to be slightly re-modelled to allow for the significant change in level which currently exists – part of the car parking area would have to be reduced in height from its current height and it is recommended that conditions are imposed to secure final details.

Some concern has been raised locally regarding the potential for an intensification of traffic as a consequence of development. However, it is not considered that there would be a significant increase in traffic when compared to the former builder's yard use. The Highway Authority have not raised any concern regarding the impact of traffic on the local network or access roads and, therefore, it is not considered that the proposal would harm highway safety or the free flow of traffic in the area. There is no reason to think that parking restrictions in the locality would have to be reviewed as a consequence of development and, therefore, it is not considered necessary to seek to secure additional residents' parking provision in the area.

Fundamentally, the Highway Authority do not raise any objection to the proposal and, therefore, the proposal is considered to be acceptable in terms of highway safety.

## **Amenity of future residents**

The site adjoins industrial land to the east. The neighbouring industrial building, a former abattoir and meat processing plant, is currently disused although the resumption of such a use could cause significant potential for harm to the amenities of future residents of the site. As the site is not currently in use, it is not possible to monitor any noise or odour disturbance from the industrial land and this makes an assessment of the likely harm somewhat difficult. They have also suggested that with the main livestock markets now held at Bridgwater, a resumption of any meat processing use on the site is probably unlikely and it would be difficult to argue against this. That said, it is possible that the presence of residential properties in this location could prejudice future industrial uses on the adjoining land.

The applicant suggests that noise has been taken into account in the design of the buildings. The applicant has suggested that the proposed dwellings face towards the site with the main private amenity spaces to the rear and, therefore, sheltered from the industrial area. However, there are dining rooms and bedrooms proposed facing the industrial site. It is stated that the dwellings will be built to a standard in excess of the building regulations, but no particular noise attenuation features have been specified. It is not accepted that noise considerations have overly influenced the design of the dwellings.

As it currently stands, then, the site is neighboured by residential uses to the west and south, a small single bay vehicle maintenance business also to the south, office (which is likely to be converted to residential use) to the north and disused industrial buildings to the east. With the future residential use to the north being possible (and already having prior approval) under permitted development rights, and in the context of the lack of any active business activities on the adjoining land, it is somewhat difficult to resist the residential development of this site on amenity grounds. A note is recommended alerting potential future occupiers that the site borders a potentially noisy neighbour.

## **Design, layout and visual impact**

The proposed design of 8 semi-detached dwellings is somewhat suburban and unimaginative in its approach. The development itself would be visually dominated by the highway, required turning head and parking courtyard at the southern end of the site. It also turns its back on the existing public highway, which is not good practice. That said, there is no prevailing character to the immediate area – the employment land to the north is a collection of buildings that have the appearance of having evolved organically over the last 60 years or so and the residential development to the west, in the main, is modern detached dwellings. There are some older properties to the south at Town Mill, but these cannot be said to define any strong character for the area, they are disconnected from the site visually and generally tucked out of the public domain, save for views from the footpath to the south.

The proposed design does not relate at all to the existing street scene, but there are substantial, protected, trees along the boundary with Mill Lane that prevent a close relationship with the street being formed. The levels do not help either, with most of the site sitting significantly above Mill Lane. The proposed development solution,

then, is for the development to turn its back on Mill Lane. The suburban estate road entrance with standard kerbs and radii will look slightly out of place, but this is not a conservation area and the main part of the development will sit behind existing and proposed new planting. Therefore, it is not considered that the proposal will cause harm to the visual amenity of the area to such an extent that would warrant the refusal of planning permission.

## **Ecology**

The submitted ecology surveys have not identified any protected species on the site. There is potential for reptiles to use parts of the site and birds nest within the building. It is considered that sufficient safeguards for wildlife protection can be put in place through the use of conditions.

## **Other matters**

The site is considered to be sufficiently distanced from other nearby property not to cause a direct impact upon their amenity. The Drainage Officer has confirmed that any discharge of surface water should be attenuated to a rate of 5 l/s. The applicant has confirmed that this is achievable and it is considered that this should be made a condition of any permission given.

## **Conclusions**

Whilst the development would result in the loss of employment land, it seems unlikely that it would be re-developed for employment purposes in the near future. It also adjoins better, more accessible employment land to the east. The existing office building to the north is likely to be converted to residential use under permitted development rights. The benefits of retaining the employment land are, therefore, considered small as the likelihood of re-use is low. The benefits of allowing residential development on the site are not huge – the contribution to housing supply is limited and the site cannot provide any affordable housing contribution – but the NPPF indicates that the provision of housing should be considered a benefit and, the balance in this case is considered to favour residential development, the benefits outweighing the loss of the potential employment land.

It is considered that the design and layout of the site will not harm highway safety or the visual amenity of the area and the amenity of future residents is acceptable. It is, therefore, considered that the proposal is acceptable, and it is recommended that planning permission is granted.

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

**Contact Officer: Mr M Bale**

E/0164/06/15

**ALLEGED UNTIDY SITE AT HW BACK AND SON LTD, OLD VICARAGE LANE,  
BISHOPS LYDEARD**

**OCCUPIER:**

**OWNER:** MR CHARLIE BACK  
HW BACK AND SON LTD, OLD VICARAGE LANE, BISHOPS  
LYDEARD  
TAUNTON  
TA4 3DJ

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## **Purpose of Report**

To consider whether it is expedient to serve a notice under section 215 requiring the condition of the land to be improved.

## **Recommendation**

That no action is taken.

## **Site Description**

The site is a builder's yard located in the centre of Bishops Lydeard. The site is accessed off Old Vicarage Lane and is located at the rear of a row of terraced properties. The site is surrounded by other properties and high walls. Old Vicarage Lane only services a small number of properties and is not subject to through traffic.

## **Relevant planning history**

NA

## **Development Plan Policies**

Taunton Deane Planning Enforcement – A statement of practice and guidance to the public.

### National Planning Policy Framework

Para 207

## **Determining issues and considerations**

A complaint has been received in August 2015 regarding the state of the property and that yard was not being used.

A site inspection was carried out in late 2015, the site was not accessible however

the property was viewed from public land and from the complainants address.

The site is located off the main street and is bounded by high walls or a row of storage sheds. Passers-by can only see a limited amount of the site from the main access and the number of users of the land is limited to immediate traffic. There is limited opportunity to view the site from adjoining properties. The complainant's site is the nearest section however their view is obscured by 2 metre high walls.

The state of the land is akin to a builders yard (the lawful use of the site) and the amount of waste material located on site is not considered excessive or unusual for a site such as this.

Section 215 can be used where the amenity of an areas is adversely affected by the condition of a property. It is not considered that the state of the land is untidy and the limited ability to view the site means that there is minimal effect on the amenity of the area.

It is not considered that the state of the land is in a condition that warrants the use of section 215 and therefore no action should be taken.

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

**PLANNING OFFICER:** Mr M Bale  
**PLANNING ENFORCEMENT OFFICER:** Christopher Horan

**CONTACT OFFICER:** Christopher Horan, Telephone 01823 356466

**E/0196/10/15**

**UNAUTHORISED SITING OF MOBILE HOME AND CHAGE OF USE OF STABLE TO RESIDENTIAL OCCUPATION AT FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD**

**OCCUPIER:**

**OWNER:** Ms S LOCK  
FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD  
TAUNTON  
TA3 7RW

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## **Purpose of Report**

To consider whether it is expedient to serve an Enforcement Notice requiring the unauthorised change of use of the site to cease and the removal of all materials relating to the activity from the site.

## **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 use of the site for the stationing of a mobile home.
- b) Cease the use of the stable building for residential / domestic use.
- c) Remove the mobile home from the site.
- d) Remove all residential and domestic equipment and materials associated with the unauthorised residential use from the stable building on the site.

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.

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

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

## **Description of Breach of Planning Control**

Without planning permission the unauthorised change of use from stable building to residential dwelling and the stationing of a mobile home for residential purposes.

## Site Description

The site is on the northern side of Moor Lane just to the east of Churchinford in the Blackdown Hills AONB. The site comprises of an open agricultural field and a collection of three stable buildings and a mobile home near the southern boundary of the site adjacent to Moor lane. The existing buildings can be seen on occasion when approaching from the east along Moor Lane. There is a hedge along Moor Lane, to a height of approx. 2m. Fairhouse Farm, a Grade 2\* Listed Building lies on the southern side of the road.

## Relevant planning history

10/96/0014	Erection of stables, approved 29/10/96.
10/97/0003	Erection of Storage Barn and formation of Hard Surface Access, approved 08/04/97.
10/97/0018	Erection of Conservation Pond, approved 18/12/97.
10/01/0011	Formation of all weather manege, approved 19/06/01.
10/03/0036	Stable block, approved 06/11/03.
10/06/0034	Retention of sand arena, refused 17/04/007; enforcement action agreed 23/05/07.
10/07/0028	Retention of sand arena (amended proposal), approved 03/12/07.
10/08/0026	Change of Use for the provision of a temporary occupational dwelling in the form of a mobile home for a period of 3 years, refused 27/11/08
10/13/0032	allowed on appeal 03/09/09 change of use of land for the siting of an occupational mobile home,
10/14/0025	Invalid application. Erection of detached dwelling on land. Refused 02/10/2014. Appeal dismissed 19/02/2015.

## Development Plan Policies

### National Planning Policy Framework

Paragraph 55  
Para 207 – Enforcement

### Taunton Deane Borough Council Core Strategy 2011-2028

SP1 - Sustainable Development Locations  
DM1 - General Requirements  
DM2 - Development in the Countryside  
CP8 - Environment

## Determining issues and considerations

The site is in open countryside in a location some 600m from Churchinford. The mobile home is distinctly visible from the adjacent highway. The original application was refused, but allowed on appeal for a temporary period, which has lapsed.

The NPPF has guidance on the promotion of sustainable development in rural areas, and that Local Planning Authority should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. In terms of Taunton Deane Core Strategy, Policies SP1, CP8 and DM2 restricts new developments in open countryside.

The mobile home is in a fairly prominent position within the Blackdown Hills Area of Outstanding Natural Beauty and in open countryside, without any justification. The continued presence of the mobile home and the residential use of the stable building is detrimental to the character and appearance of the area, and increases the need to travel to access services. The temporary permission for the mobile home and the residential use of the site has lapsed and it is considered expedient to have this mobile home removed and the residential use cease. The alternative would be sporadic residential development in open countryside contrary to Policy.

It is therefore considered that the development is unacceptable in principle and it is recommended that enforcement action is taken for the following reasons:

The residential use and the stationing of the mobile home on the site results in sporadic development in the open countryside and Blackdown Hills Area of Outstanding Natural Beauty that collectively would be detrimental to the visual amenities of the Taunton Deane Core Strategy Policies CP8, DM1 and DM2.

The residential use of the site results in an unsustainable form of development that would mean that occupiers of the site are heavily reliant on the private car for most of their day to day needs. As such the proposal is contrary to Taunton Deane Core Strategy Policies SP1.

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

**PLANNING OFFICER:** Mr M Bale  
**PLANNING ENFORCEMENT OFFICER:** Christopher Horan

**CONTACT OFFICER:** Christopher Horan, Telephone 01823 356466

22/15/0014

Mr & Mrs R Habgood

## **Erection of first floor extension at 10 Nethercott Way, Lydeard St Lawrence**

Location: 10 NETHERCOTT WAY, LYDEARD DOWN HILL, LYDEARD ST  
LAWRENCE, TAUNTON, TA4 3SG

Grid Reference: 312964.131956 Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Condition(s) (if applicable)**

- . Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway. In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

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

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

(A3) DrNo HAB 2001 Site and location plan  
(A3) DrNo HAB 2001 Proposed floor plan  
(A3) DrNo HAB 2001 Rev A Proposed elevations

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

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

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

character and appearance of the building and surrounding area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no windows shall be installed in the eastern elevation of the development hereby permitted without the further grant of planning permission.

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

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.
2. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.

## Proposal

Permission is sought for the erection of a first floor extension to the rear of the property, the materials proposed will match those on the existing dwelling. The neighbouring property, number 9, have applied for a first floor extension to adjoin this proposal.

## Site Description

Number 10 is an end of terrace brick built property with a tiled roof. The property has a conservatory and a single storey extension to the rear.

## Relevant Planning History

The current application seeks to add a first floor to the single storey extension, 22/08/0008, granted in 2008.

## Consultation Responses

*LYDEARD ST LAWRENCE & TOLLAND PARISH COUNCIL* - no comments received

## **Representations Received**

No comments received

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
H17 - TDBCLP - Extensions to Dwellings,

## **Local finance considerations**

Not applicable

## **Determining issues and considerations**

The ridge height of the proposed roof is significantly lower than that of the existing, this will create a subservient appearance, the use of materials to match the existing will help the extension blend into the existing dwelling.

It is considered that there will be no significant impact on the neighbouring properties due to the eastern elevation having no windows, a condition will be added to prevent windows being added to protect the privacy of the neighbouring property. The extension will not be visible from the road or public right of way it is therefore considered to not have a significant impact on adjoining land users.

It is therefore considered acceptable by policy DM1 of the Taunton Deane Core Strategy.

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

**Contact Officer: Briony Waterman**

## **Appeal Decisions**

**Site: NORTH HEYWOOD FARM, STAWLEY, TA21 0HW**

**Proposal: PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM AGRICULTURAL BUILDING TO DWELLING HOUSE (USE CLASS 3) AND ASSOCIATED BUILDING WORKS AT NORTH HEYWOOD FARM, STAWLEY**  
**Application number: 35/15/0019**

### **APPEAL AGAINST IMPOSITION OF CONDITIONS**

**Appeal decision: ALLOWED**

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**Site: 58 SMITHY, BISHOPS HULL, TAUNTON, TA1 5DU**

**Proposal: ERECTION OF A DETACHED DWELLING TO THE REAR OF 58 SMITHY, BISHOPS HULL**  
**Application number: 05/14/0047**

**Appeal decision: DISMISSED**

### **Reasons For Refusal on Planning Application**

The proposal results in a cramped form of development that is out of keeping with and detrimental to the character of the established layout of the terraced and semi-detached properties of the area; eroding the character by infilling a distinctive gap that forms part of the pattern of development within Smithy. The proposal therefore does not accord with Policy DM1(d) (General Requirements) of the Taunton Deane Core Strategy and relevant Sections within the National Planning Policy Framework.

The location of the site and cramped appearance close to the boundaries of the neighbouring properties creates an intrusive and overbearing feature that would affect the outlook and amenity of the neighbours. Furthermore, the proposed dwelling, by reason of its siting and close proximity to the neighbouring properties would cause an unacceptable loss of sunlight; overshadowing to the gardens of 57/58 Smithy, as the proposal is located to the South of these properties; and the first floor windows within the rear elevation, being only 6.2m to the rear boundary of the site, would overlook the gardens of neighbouring properties. The proposal therefore does not accord with Policy DM1(e) (General Requirements) of the Taunton Deane Core Strategy and relevant Sections within the National Planning Policy Framework.

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## Appeal Decision

Site visit made on 12 January 2016

by **Stephen Hawkins MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 February 2016

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**Appeal Ref: APP/D3315/W/15/3134513**  
**58 Smithy, Bishops Hull, Taunton TA1 5DU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Joshua Barratt against the decision of Taunton Deane Borough Council.
  - The application Ref 05/14/0047, dated 20 September 2014, was refused by notice dated 20 March 2015.
  - The development proposed is erection of a dwellinghouse.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The effect of the proposed dwelling on the character and appearance of the area and its effect on the living conditions of adjoining residential properties, having regard to outlook, sunlight, overshadowing and privacy.

### Reasons

#### *Character and appearance*

3. The Smithy is a small residential estate originally developed by a local authority, generally consisting of terraces or pairs of dwellings of similar appearance, set in regularly sized plots. Together with the generous spacing between the groups of dwellings and maturing planting, this gives the appeal site and its surroundings a cohesive, pleasantly spacious character and appearance.
  4. The small detached two-bedroom dwelling proposed would be sited in a comparatively modest plot, which lies at the rear of 57 and 58 The Smithy and runs parallel to the boundary of 56 The Smithy. The design and materials of the dwelling would be similar to that of surrounding properties. However, introducing built form onto the appeal site would significantly erode the current sense of space between the groups of dwellings in the street scene. The plot is relatively narrow and by occupying most of the width, the dwelling would appear quite 'cramped', in comparison with the more generous plots and spacious characteristics of local development. In my opinion, this would be harmful to the established character and appearance of the area.
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5. The proposed dwelling would therefore fail to accord with Policy DM1 of the adopted Taunton Deane Core Strategy (CS), which at (d), requires that the appearance and character of the affected street scene should not be unacceptably harmed by the development. It would also fail to have sufficient regard to the National Planning Policy Framework (the Framework), which amongst other things, emphasises the importance of achieving high quality design and promoting or reinforcing local distinctiveness.

*Living conditions*

6. The expanse of the proposed dwelling's side wall would run parallel to the entire rear elevation of No 57 and would be immediately adjacent to its rear boundary. Nos 57 and 58 both have relatively short rear gardens. From the ground floor and first floor rear windows of habitable rooms in No 57, the dwelling would therefore be viewed as a dominant and oppressive feature. It would significantly reduce the existing aspect from rear facing windows and would create a strong sense of enclosure. This would seriously erode the degree of outlook currently enjoyed by the occupiers. The same would apply to some of the rear windows in No 58, as part of the side of the dwelling also runs parallel with their rear boundary. The modest brick outbuildings at the end of both gardens, would not significantly offset the effect that the dwelling would have in this respect.
7. Moreover, due to their south facing aspect and the proximity of the new dwelling to the rear boundary, Nos 57 and 58 and would also experience a very noticeable reduction in the degree of sunlight received as well as overshadowing of their rear gardens during substantial parts of the day. This would seriously reduce the occupiers' ability to use and enjoy their gardens.
8. The proposed dwelling would have two windows in its rear elevation at first floor level. One would serve a bathroom and it would be reasonable to expect that it would be obscure glazed. However, the other window would serve a bedroom. Given the limited depth of the rear garden proposed, this window would overlook the garden of No 58 as well as that of 59 The Smithy at close quarters. I did not find this comparable with any overlooking from windows in existing dwellings, including the first floor side window at No 56. In my view, the overlooking would unacceptably harm the privacy currently enjoyed by occupiers when using their gardens.
9. There would also be an unacceptable level of overlooking of the land at the rear of No 59 from the new dwelling's first floor rear window. It has been suggested that this land might be in communal use. However, it is completely surrounded by back gardens and its users are still likely to be associated with a dwelling. They would therefore have a reasonable expectation of privacy when using the land.
10. The harm caused by the loss of outlook, sunlight and privacy to the occupiers of adjoining residential properties together with the increased overshadowing, all of which would occur as a result of the proposed dwelling, would fail to accord with CS Policy DM1, which at (e) requires that the amenity of individual dwellings should not be adversely affected. It would also fail to have sufficient regard to the Framework, which amongst other things, seeks to ensure that a good standard of amenity is provided for all existing and future occupants of land and buildings.

*Other matters*

11. My attention has been drawn to the planning permission granted by the Council for a dwelling on land at 1 Smithy. The appellant also referred to a dwelling erected with permission at 49 Smithy. I viewed both sites during my visit. The appeal site does not compare favourably in terms of plot size, relationship to the pattern of local development or relationship to neighbouring residential properties, to either of those sites.
12. The appellant has also referred to the appeal site as being 'brownfield' or previously developed land. However, land in built-up areas such as private residential gardens, are excluded from the Framework's definition of previously developed land.
13. I also note that there have been no objections to the proposed dwelling from the existing occupiers of Nos 57, 58 and 59. The lack of objections does not in itself make a development acceptable.
14. For the reasons given above I conclude that the appeal should be dismissed.

*Stephen Hawkins*

INSPECTOR

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## Appeal Decisions

Site visit made on 5 January 2016

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 February 2016

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### Appeal A Ref: APP/D3315/W/15/ 3131334

#### North Heywood Farm, Stawley, Wellington, Somerset, TA21 0HW.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
  - The appeal is made by Mr Ian Yule against the decision of Taunton Deane Borough Council.
  - The application Ref. 35/14/0019/CMB, dated 24 November 2014, was refused by notice dated 21 January 2015.
  - The development proposed is the conversion of existing agricultural building into a single habitable building.
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### Appeal B Ref: APP/D3315/W/15/3137526

#### North Heywood Farm, Stawley, Wellington, Somerset, TA21 0HW.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant, subject to conditions, of approval required under a development order.
  - The appeal is made by Mr Ian Yule against the decision of Taunton Deane Borough Council.
  - The application Ref. 35/15/0019/CMB, dated 8 September 2015, was granted approval by notice dated 19 October 2015 subject to conditions.
  - The development granted approval is a "change of use from agricultural building to dwelling house (Use Class 3) (*sic*) and associated building works".
  - The conditions in dispute are Nos. 2, 3 and 5. Condition 2 states: Prior to the commencement of development the applicant shall investigate the history and the current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall: (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site. (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance / procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority. (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy. Condition 3 states: (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
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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 a similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority. Condition 5 states: The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

- The reasons given for the conditions are: Condition 2 – To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework; Conditions 3 and 5 – 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.
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## **Decisions**

1. The appeals are allowed. Prior approval is granted for a change of use to a dwellinghouse and associated building works at North Heywood Farm, Stawley, Wellington, Somerset, TA21 0HW. Approval is granted in accordance with the terms of applications Refs. 35/14/0019/CMB, dated 24 November 2014 and 35/15/0019/CMB, dated 8 September 2015 and the plans submitted with the applications.
2. In respect of Appeal A, prior approval is granted subject to the conditions numbered 1-3 (inclusive) below. In respect of Appeal B, I vary the prior approval by deleting the conditions on the approval dated 19 October 2015 and substituting them for the following:
  1. The development hereby permitted shall be completed within a period of 3 years starting with the date of this decision.
  2. If contamination is discovered within the site or the building during the course of development building works shall cease until such time as details identifying the source of the contamination and remedial works necessary for addressing such contamination have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved works of remediation.
  3. Details of the materials to be used in the external walls and roof of the building shall be submitted to and approved in writing by the Local Planning Authority prior to being used in the building. The development shall be undertaken in accordance with the approved details.

## **Procedural Matters**

3. These appeals relate to the same proposal and building. A more concise description of the proposal is as a change of use to a dwellinghouse and associated building works.
  4. At the time the Council determined the application that is now the subject of Appeal A the relevant provisions were set out in Class MB of the Town and
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Country Planning (General Permitted Development) Order 1995 (as amended). In effect, these provisions have now been replaced by Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.

5. Following changes to the Government's Planning Practice Guidance (PPG) in March 2015, the Council reviewed its case in respect of Appeal A. Whilst the Council maintains that the appeal site is within an unsustainable location it accepts that it can no longer argue that the use of the building for residential purposes would be either impractical or undesirable on sustainability grounds. As a consequence, its reason for refusal falls away. Prior approval should not therefore be withheld.
6. On the Planning Appeal Form in respect of Appeal A the appellant has indicated that the reason for the appeal is against the refusal of prior approval and the failure to give notice within the appropriate period. Whilst I comment below on the appellant's argument regarding the time taken to determine the application an appeal cannot proceed on the basis of a refusal and a failure to determine. A refusal notice was issued by the Council and Appeal A has been processed on this basis. I have determined the appeal accordingly.
7. The application that is now the subject of Appeal B was submitted in response to the Council's revised position in respect of Appeal A. Having now also reviewed its case in respect of Appeal B, the Council does not wish to defend its position regarding the landscaping condition (condition 3).
8. As the Appeal A scheme is identical to the one that the Council granted prior approval in October 2015 (Appeal B) it would be nonsensical for me when determining Appeal A to not consider the appropriateness of those conditions which are in dispute under Appeal B. I shall frame the main issue accordingly.
9. Applications for costs were made by the appellant against the Council. These applications are the subject of separate Decisions.

### **Main Issue**

10. Whether, in granting prior approval, conditions relating to land contamination and the use of timber framed windows and doors would meet the relevant tests for conditions as set out in paragraph 206 of the National Planning Policy Framework (the Framework).

### **Reasons**

#### *Land Contamination*

11. The Framework and the development plan<sup>1</sup> include a requirement for new development to have regard to the amenity and safety of future occupants of land and buildings. Agricultural buildings are known potential areas of contamination and contamination risks is one of the matters specifically identified in section Q.2 of The Town and Country Planning (General Permitted Development) (England) Order 2015. In determining whether prior approval is required it is appropriate to consider land contamination.
12. I understand that the appeal building is about 40 years old and was designed and previously used for calf rearing. A small part of the building has also been used to treat fence posts with creosote from a small bunded tank. I note the

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<sup>1</sup> Policy DM 1(f) of the adopted Taunton Deane Core Strategy 2011-2028.

appellant's remarks that there has never been any spillage or contamination from this tank. Be that as it may, it is not possible to reasonably conclude that there would be no risk of contamination from activities such as pesticides and animal waste associated with the previous agricultural use of the building.

13. To ensure that the health of future occupiers of the building is not adversely affected it would therefore be necessary to attach a condition regarding land contamination. Such a condition would be relevant to planning and to the proposed development. However, the condition used by the Council which, amongst other things, requires details of previous uses of the site for at least the last 100 years is excessive and unreasonable. This disputed condition does not therefore meet all of the tests set out in the Framework. In this regard, the appeal succeeds.
14. It is reasonable to expect the Council's Environmental Control Officer (ECO) to have been informed of the age of the building and the previous agricultural activities. It appears to me that in dealing with this matter the Council has used a 'standard condition' rather than one specifically related to the proposed development. Moreover, there is nothing to indicate that the ECO requires further investigation beyond the details already supplied by the appellant.
15. A planning condition would therefore only need to relate to any unexpected contamination that could become apparent after development has commenced. A condition to this effect would accord with national and local planning policies, including paragraph 206 of the Framework. This already forms part of the existing condition and would not prejudice the appellant. I shall therefore substitute a new condition dealing with any unexpected land contamination for the one that is in dispute.

#### *Timber Framed Windows and Doors*

16. The appeal building is visible from the public realm. However, it is set back from the highway and is seen in association with the appellant's existing dwelling which includes UPVC framed windows. Whilst UPVC framed windows can detract from the integrity of traditional rural buildings and the distinctive qualities of the countryside, the appeal building lacks any architectural or historic merit. Moreover, as pointed out by the appellant, the nearest dwellings have either UPVC framed windows or galvanised steel. In this instance, a condition requiring the use of timber framed doors and windows would not be reasonable or achieve any planning purpose. A condition to this effect would be at odds with the provisions of paragraph 206 of the Framework. The appeal therefore succeeds insofar as it relates to this disputed condition.

#### *Other Matters*

17. I note the arguments of both main parties concerning the 56 day period in which the Council had to determine the application that is the subject of Appeal A. I have no reason to doubt that the appellant delivered the application to the Council's offices at about 16:00 hours on 25 November 2014. However, it is somewhat unreasonable to expect the Council to do anything meaningful with the application at that time of the day. In this regard, the appellant has informed me that he was a Deputy Chief Officer in Local Government. It would also have been open to the appellant to contact the Council when he deemed the 56 day period to have expired to ascertain whether or not prior approval would be forthcoming. On the other hand, knowing the 56 day period was

close to expiring, it was open to the Council to ensure its decision was conveyed promptly to the appellant so as to avoid any dispute / uncertainty regarding the validity of its decision. The appellant has complained to the Local Government Ombudsman regarding the Council's actions and it would be inappropriate for me to comment further.

18. My attention has been drawn to the findings of some other Inspectors regarding disputes elsewhere in respect of the 56 day period for notifying applicants as to whether prior approval is given or refused<sup>2</sup>. Each case must be determined on its own merits and the information in the appeal before me regarding this particular matter is such that it would need to be tested at an oral event to ensure a properly informed decision was arrived in respect of the arguments concerning the time taken to determine this application. As I am allowing these appeals on other grounds, little would be served by putting the parties to the time and expense of holding a Hearing into this matter.

#### *Other Planning Conditions*

19. The 2015 Order requires development to be completed within a period of three years from the prior approval date. A condition to this effect would therefore also be necessary. As some building works are proposed the undisputed condition regarding the submission of the details of external building materials would be necessary to safeguard the character and appearance of the area. No other conditions would be necessary. These other conditions accord with the requirements of paragraph 206 of the Framework.

#### *Conclusion*

20. Given the above, these appeals should succeed. In respect of Appeal B, the conditions on the approval granted by the Council are deleted and substituted for those set out above.

*Neil Pope*

Inspector

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<sup>2</sup> APP/X1118/A/14/2222530, APP/F0114/A/14/2225691 and APP/Z3825/A/14/2224715.

## **APPEALS RECEIVED**

**Site: 14 HENLEY ROAD, TAUNTON TA1 5BJ**

**Proposal: ERECTION OF CARBON NEUTRAL 2 BEDROOMED DETACHED DWELLING TO THE SOUTH OF 14 HENLEY ROAD, TAUNTON**

**Application number: 38/15/0196**

**Appeal reference: APP/D3315/W/16/3142112**

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**Site: PIXFORD FRUIT FARM, RALEIGHS CROSS ROAD, COMBE FLOREY, TAUNTON, TA4 3HS**

**Proposal: CONSTRUCTION OF SOLAR FARM FOR UP TO 5MW OF GENERATING CAPACITY COMPRISING OF INSTALLATION OF SOLAR PHOTOVOLTAIC ACCESS TRACKS, FENCING AND CCTV ON LAND AT PIXFORD FRUIT FARM, RALEIGHS CROSS ROAD, COMBE FLOREY**

**Application number: 02/15/0006**

**Appeal reference: APP/D3315/W/16/3142598**

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**Site: HAZELHURST, MINEHEAD ROAD, BISHOPS LYDEARD, TAUNTON, TA4 3BS**

**Proposal: ERECTION OF A DETACHED DWELLING WITH DOUBLE GARAGE AND DRIVEWAY ON LAND NORTH OF HAZELHURST, AND ERECTION OF REPLACEMENT GARAGE WEST OF HAZELHURST, MINEHEAD ROAD, BISHOPS LYDEARD.**

**Application number: 06/15/0020**

**Appeal reference: APP/D3315/W/15/3138063**

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### **Enforcement Appeal**

**Site: LANGDON INDUSTRIES SITE, WALFORD CROSS, TAUNTON, TA2 8QP**

**Alleged breach of planning control: ALLEGED UNAUTHORISED B2 (WOOD CHIPPING) BUSINESS USE OF FORMER B1 / B8 INDUSTRIAL UNIT.**

**Reference number: APP/D3315/C/15/3141203**

**Appeal reference: E/0035/14/15**

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## **Planning Committee – 24 February 2016**

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

Officers: - Matthew Bale (Area Planning Manager), Bryn Kitching (Area Planning Manager), John Burton (Principal Planning Officer), Gareth Clifford (Principal Planning Officer), 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 Mrs Warmington in connection with application No. 45/15/0017 and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5.00 pm)

### **18. Apology/Substitution**

Apology: Councillor Gage

Substitution: Councillor Sully for Councillor Gage

### **19. Minutes**

The minutes of the Planning Committees held on the 12 November, 25 November and 9 December 2015 were taken read and were signed.

### **20. Declarations of Interest**

Councillors M Adkins, Coles and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Brown declared a prejudicial interest as a volunteer for the West Somerset Railway. Councillor Bowrah declared that he had received correspondence from Councillor Mrs Warmington on application No. 24/15/0054, he felt that he had not fettered his discretion. Councillor Mrs Floyd declared that she knew the applicant for application No. E/0164/06/15. She declared that she would not take part in the discussion of this application and left the room during its consideration. Councillor Nicholls declared a personal interests as a Member of Comeytrove Parish Council and as a Member of the Fire Brigade Union. Councillor Martin-Scott declared personal interests as a trustee to the Home Service Furniture Trust, trustee to Bishop Fox's Educational Foundation and a trustee to Trull Memorial Hall. Councillor Sully declared that he was one of the Ward Councillors for application No. 25/15/0034. Councillor Townsend declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association.

Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. He also declared that as he was the Ward Councillor for application No. 23/15/0031, he would not take part in the debate. All Councillors declared that they knew the applicant for application No. 22/15/0014. They also declared that they had received an email with a photo attached for application No. 24/15/0054. Councillor Watson declared that he was the Ward Councillor for the following applications, 06/15/0023, 45/15/0014A, 45/15/0017 and E/0164/06/15. Councillors Wren and Townsend declared personal interests as Members of the Quantock Hills Joint Advisory Committee.

## **21. 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:-

### **25/15/0034**

**Erection of a two storey extension to the south elevation and a conservatory to the north elevation of House of St Martins, Langford Lane, Norton Fitzwarren**

#### **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 1444-01A Existing Plans
  - (A1) DrNo 1444-02A Existing Elevations
  - (A3) DrNo 1444-03A Location Plan
  - (A1) DrNo 1444-07A Proposed Plans
  - (A1) DrNo 1444-08A Proposed Elevations
  - (A2) DrNo 1444-09 Site Plan
- (c) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall

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

- (e) Prior to the commencement of the development, hereby approved, details of the car parking layout to serve the development shall be submitted to, and approved in writing by, the Local Planning Authority. The car parking shall be installed and made operational in accordance with the approved details before the extension is first occupied and shall thereafter be permanently maintained and used for the purposes of vehicle parking only;
- (f) The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to the first occupation of the extensions, hereby permitted, and thereafter permanently retained for this purpose;
- (g) The use of the premises as extended by this permission shall be restricted to a Care Home in Use Class C2 only in the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking or re-enacting that Order, and for no other use in Use Class C2 without first obtaining planning permission from the Local Planning Authority.

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

**23/15/0031**

**Reinstatement and widening of an agricultural access with closure of the existing principal access on land to the North of the B31857 at Milverton (E311748 N126370) (retention of works already 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 approved plans:-
  - (A4 )Location Plan;

- (A3) Site Plan;

- (c) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (d) The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times;
- (e) There shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 188 m either side of the access. Such visibility shall be fully provided before the new access is brought into use and shall thereafter be maintained at all times;
- (f) The access hereby permitted shall be used for agricultural purposes only;
- (g) The previous existing access (as shown on the submitted location plan, scale 1:2500, and marked as 'existing access to be closed off') shall be closed to all traffic and its use permanently abandoned within one month of the new access hereby permitted being first brought into use.

(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 and has imposed planning conditions to enable the grant of planning permission; (2) Applicant was also advised that where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services).

**45/15/0017**

**Change of use of land to mixed agricultural/tourism use with siting of 4 No. shepherd huts and associated facilities with erection of building for mixed agricultural/tourism use on land to the west of Tilbury Farm, West Bagborough Road, West Bagborough**

## Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo PA-001 Rev 000 Location Plan;
  - (A3) DrNo PA-002 Rev 000 Layout Plan;
  - (A3) DrNo PA-001 Rev 000 Proposed Pedestrian/ATV Access Ways;
  - (A3) DrNo PA-100 Proposed Floor Plan;
  - (A3) DrNo PA-102 Proposed NW and SE Elevations;
  - (A3) DrNo PA-101 Proposed NE and SW Elevations;
  - (A3) DrNo PA-103 Typical Section;
- (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) No shepherd huts shall be brought onto the site until details of their intended design, sitings, regrading of the land, access tracks and parking provision have been submitted to and approved by the Local Planning Authority in writing. The shepherd huts, access tracks and parking provision shall only be positioned in the approved locations;
- (e) Details of any exterior lighting shall be submitted to, and approved in writing by, the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (f) No more than four shepherd huts shall be stationed on the site at any time;
- (g) 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 4, Class B, and Schedule 2, Part 5 of the 2015 Order other than that expressly authorised

by this permission shall be carried out without the further grant of planning permission;

- (h) The proposed access over at least the first 6 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times;
- (i) The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times;
- (j) The proposed access shall have a minimum width of 3 m for its first 5 m of length. Once constructed the access shall thereafter be maintained in that condition at all times;
- (k) There shall be no obstruction to visibility greater than 900 mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times;
- (l) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before the hereby permitted development is first brought into use and be thereafter maintained at all times.

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission; (2) Applicant was also advised that the County Highway Authority advise that it should be noted that given the nature and scale of the works required to create the proposed new access it is likely that these works will need to be secured via a suitable legal agreement rather than a standard Section 184 License. It is requested that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.)

**22/15/0014**

**Erection of first floor extension at 10 Nethercott Way, Lydeard St Lawrence**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo HAB 2001 Site and location plan;
  - (A3) DrNo HAB 2001 Proposed floor plan;
  - (A3) DrNo HAB 2001 Rev A Proposed elevations;
- (c) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any Order revoking and re-enacting the 2015 Order) (with or without modification), no windows shall be installed in the eastern elevation of the development hereby permitted 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 and has granted planning permission; (2) Applicant was also advised whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property).

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

**06/15/0023**

**Erection of 15 No. dwellings with associated car parking, landscaping and drainage infrastructure on land at Station Farm, Station Road, Bishops Lydeard**

### **Reason**

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy', SP1 'Sustainable Development Locations' and SP4 'Realising the vision for rural areas' together with Taunton Deane Local Plan Policy EC22 'Land west of Bishops Lydeard Station' and Site Allocations and Development Management Policy MAJ5 'Land west of Bishops Lydeard Station' in that it would lead to the loss of sites allocated for recreational, tourism, commercial and other employment generating uses which would represent an unsustainable form of development in this Major Rural Centre.

**24/15/0054**

**Replacement of boundary wall at Jarveys Cottage, 16 Stoke Road, North Curry (retention of works already undertaken)**

**Reason**

The wall bears an insufficient resemblance to the wall which it has replaced in terms of its height and location, materials used in its construction and introduces a stark feature into the street scene which causes harm to the character and appearance of the Conservation Area contrary to Policy CP8 of the Taunton Deane Core Strategy and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Also resolved that:-**

- (1) An enforcement notice be served for the demolition of the existing wall and construction of a replacement in the position of the original wall, using reclaimed blue lias stone and lime mortar;
- (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.

**22.**

**Display of one non-illuminated directional sign at Lower Toollands, New Road, West Bagborough (45/15/0014/A)**

Reported this application.

**Resolved** that subject to the receipt of amended plans removing reference to signs at the junction of New Road and the A358, the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman and Vice-Chairman and, if advertisement consent was granted the following conditions be imposed:-

**Conditions**

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission;
- (2) No advertisement shall be sited or displayed so as to:-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle;
- (d) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site;
- (e) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public;
- (f) Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity;

**23. Change of use from builder's yard to residential and erection of eight semi-detached dwellings with associated access road and parking at Stacey's Yard, Mill Lane, Wiveliscombe (49/15/0044)**

Reported this application

**Resolved** that subject to:-

- (a) The applicant entering into a Section 106 Agreement to secure a contribution of £6,312 (index linked) towards enhancing children's play facilities at Lion D'Angers or Nordens Meadow; and
- (b) The receipt of no further representations raising new issues by 25 February 2016 concerning the revised access and parking arrangements for plot 1,

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

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

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

- (A3) DrNo 2014/05/PL001 Rev A Location and Site Plans;
- (A2) DrNo 2014/05/PL002 Rev C Site Layout Plan;
- (A3) DrNo 2014/05/PL003 Rev A Elevations, Ground and First floor Plan;
- (A3) DrNo 2014/05/PL004 Ground and First Floor Plan Elevations;
- (A3) DrNo 2014/05/PL005 Ground, First Floor and Elevations Plan;
- (A3) DrNo 2014/05/PL006 Cross Sections A-A / B-B;
- (A3) DrNo 2014/05/PL007 Part Site Plan;

(c) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of First Ecology's Preliminary Ecological appraisal dated October 2014 and include:-

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance;
3. Measures for the enhancement of places of rest for, bats and nesting birds;
4. Details of lighting; 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 bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

(d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall indicate that any surface water discharge from the site shall be limited to a maximum 5 l/s and shall include details to prevent the discharge of surface water to the public highway. The approved details shall be implemented prior to the occupation of the first dwelling and shall thereafter be maintained as such;

(e) Prior to the commencement of the development hereby permitted, full details of the on and off-site highway works shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall show:-

- The proposed estate roads, footways, verges, junctions, street lighting, sewers, drains, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and car parking and street furniture;

- The proposed ground levels of the adjoining car parking area to the north;
- The provision of new 1.8 m footways extending the existing footway provision and extending into the site; and
- A timetable for providing the various works;

The approved details shall be implemented in accordance with the approved timetable and shall thereafter be maintained as such;

- (f) (i) Before any part of the permitted development is commenced, a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include: Details of the species, siting and numbers to be planted; Confirmation of the trees to be protected and measures for their protection; Details of any works proposed to retained trees (including that that any crown raising will be limited to a maximum of 3 m); (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 existing and new trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (g) Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (h) Prior to the occupation of each of the dwellings hereby permitted, full details of the means of storage of cycles shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be maintained as such;
- (i) 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 fences, gates, walls or other means of enclosure that are expressly authorised by this permission shall be constructed or erected 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 has negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was also advised that the condition relating to

wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended); It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (3) Applicant was also advised that the site adjoins potentially noisy uses. If any new residents complain about noise from the adjoining premises, the Council would have a legal duty to investigate these complaints as a potential statutory nuisance. The Council can only require that the operator takes all reasonable steps to minimise any disturbance, which could mean that there are cases where a business had to alter what it does, and others where the new residents have to suffer a nuisance as it was not practical for the business to take any more steps to reduce the noise.)

**24. E/0164/06/15 – Alleged untidy site at H W Back and Son Limited, Old Vicarage Lane, Bishops Lydeard**

Reported that a complaint had been received in August 2015 regarding the state of a site off Old Vicarage Lane, Bishops Lydeard.

The site was located at the rear of a row of terraced properties, surrounded by other properties and high walls.

A site inspection had been revealed that the land was akin to its lawful use as a builder's yard and that the amount of waste material located on the site was not considered excessive or unusual for such a site. Although the complainant's site was the nearest to the land concerned, their view was obscured by 2 m high walls.

In the view of the Principal Planning Officer, it was not considered that the state of the land off Old Vicarage Lane, Bishops Lydeard was in a condition that warranted the service of a Notice under Section 215 of the Town and Country Planning Act 1990.

**Resolved** that no further action be taken

**25. E/0196/10/15 – Unauthorised siting of mobile home and change of use of stable to residential occupation at Fairfield Stables, Moor Lane, Churchinford**

Reported that it had come to the Council's attention that an unauthorised change of use had taken place at Fairfield Stables, Moor Lane, Churchinford. Involving a stable building which had been converted to a residential dwelling together with the stationing of a mobile home also for residential purposes.

The site was in open countryside in a location some 600 m from Churchinford. Although the original planning application for the positioning of the mobile home was refused, it had been allowed on appeal for a temporary period, which had now lapsed.

It was now considered expedient to have the mobile home removed from the land and the unauthorised residential use of the stable building to cease.

**Resolved** that:-

- (1) An enforcement notice be served to requiring the owner of Fairfield Stables, Moor Lane, Churchinford to:-
  - (a) Cease the use of the site for the stationing of a mobile home;
  - (b) Cease the use of the stable building for residential/domestic use;
  - (c) Remove the mobile home from the site and;
  - (d) Remove all residential and domestic equipment and materials associated with the unauthorised residential use from the stable building on the site;
- (2) Any enforcement notice served should have a three month compliance period from the date on which the notice took effect in respect of all the alleged breaches of Planning control set out above; and
- (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.

## **26. Appeals**

Reported that four new appeals and three decisions had been received details of which were submitted.

**Resolved** that the report be noted.

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

**Resolved** that the press and public be excluded from the meeting for the following item because the likelihood that exempt information would otherwise be disclosed relating to Clause 1 of Schedule 12(A) to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

## **28. E/0154/24/12 – Untidy site at 12 Town Close, North Curry**

Reference Minute No 91/2014, reported that a recent site visit had revealed that further clearance had taken place on the site since the initial site clearance works were carried out.

Nevertheless, the site remained in a poor state which continued to cause concern for those who lived in neighbouring properties.

The report set out various options which could be employed by the Council resulting in the clearance of the site.

However, in the view of the Principal Planning Officer it was considered that proceeding with prosecution action would not achieve further clearance of the site any quicker than now.

Although taking direct action could result in the site being cleared, it was not felt that this would be a proportionate response to the breach in light of the current situation.

**Resolved** that prosecution action be deferred for a period of six months for the reasons outlined in the confidential report.

(The meeting ended at 9.17pm.)